City of Dublin

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Memo

To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager MIG

Date: August 21, 2014

Initiated By: Paul A. Hammersmith, PE, Director of Engineering/City Engineer
Barbara A. Cox, PE, Engineering Manager – Development
Kristin K. Yorko, PE, Civil Engineer

Re: **Ordinance 86-14 - Amending Chapter 53, Stormwater Management and Stream Protection, of the Dublin Code of Ordinances, to be in compliance with current Ohio Environmental Protection Agency regulations, to create an exemption area for a portion of the Bridge Street District, and to make other various minor revisions.**

Summary

Staff has been compiling minor updates that need to be made to Chapter 53, the Stormwater Regulation, since the last update in 2005. As staff has administered these regulations, we have encountered several areas that we would like to update. These include:

- Increase the exemption for minimum change in impervious area to which the regulations apply from 500 to 2,000 square feet. The intent is to allow small site modifications such as pedestrian paths, patios, basketball courts, etc. to be constructed without amending the overall stormwater management for the site. These changes are typically negligible. Ohio Environmental Protection Agency (OEPA) minimum is one acre. § 53.070 (C)(2)
- Add an exemption area for a portion of the Bridge Street District. This is the area bounded by Riverside Drive, I-270, SR 161 and the general alignment of Dale and Tuller Ridge Drives. This area is directly connected to the Scioto River and the runoff needs to move quickly to the river. § 53.070 (E)
- Clarification of the application of the Stream Corridor Protection Zone. These regulations were intended to apply along waterways that do not have Federal Emergency Management Agency (FEMA) designated floodplains. § 53.200 (C)
- Clarification of timing for erosion and sediment control inspections after rainfall events. This is needed to be in conformance of the most recent General Construction Activity Permit issued by the Ohio Environmental Protection Agency. § 53.340 (D)(1)
- Other minor edits to be in compliance with the appropriate permits issued by the OEPA.

Staff has worked with the Legal Department to review the proposed changes. Attached are both a red-lined copy of Chapter 53 and a clean copy for Council review.

Recommendation

Staff recommends approval of Ordinance 86-14 at the second reading/public hearing on September 8, 2014 in order to be in compliance with current Ohio Environmental Protection Agency regulations, to create an exemption area for a portion of the Bridge Street District, and to make other various minor revisions.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 86-14 Passed _____, 20____

AN ORDINANCE AMENDING CHAPTER 53, STORMWATER MANAGEMENT AND STREAM PROTECTION, OF THE DUBLIN CODE OF ORDINANCES, TO BE IN COMPLIANCE WITH CURRENT OHIO ENVIRONMENTAL PROTECTION AGENCY REGULATIONS; TO CREATE AN EXEMPTION AREA FOR A PORTION OF THE BRIDGE STREET DISTRICT; AND TO MAKE OTHER VARIOUS MINOR REVISIONS

WHEREAS, the Ohio Environmental Protection Agency (OEPA) has promulgated revised regulations in conjunction with the National Pollution Discharge Elimination System (NPDES) Phase II requirements; and

WHEREAS, the OEPA has revised a General Construction permit and requires the City to adopt the requirements contained in the permit; and

WHEREAS, the City has determined that the drainage and development of land usually has significant impact upon the health, safety, and welfare of the residents of Dublin, Ohio; and

WHEREAS, improperly managed stormwater runoff can increase the incidence of flooding and erosion, which potentially endangers human life and property; and

WHEREAS, stormwater runoff can carry pollutants into receiving water bodies, thus degrading water quality.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring:

Section 1. The amendments to Chapter 53, Stormwater Management and Stream Protection, of the Dublin Code of Ordinances as shown in attached Exhibit "A" are hereby adopted.

Section 2. This ordinance shall take effect and be in force from and after the earliest date allowed by law.

Passed this _____ day of _____ 2014.

_____
Mayor - Presiding Officer

Attest:

_____
Clerk of Council

Exhibit "A"

CHAPTER 53: STORMWATER MANAGEMENT AND STREAM PROTECTION

Section

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§ 53.010 PURPOSE.

(A) A chapter regulating stormwater from areas of new development and redevelopment for the purpose of protecting the public health, safety, and welfare; defining appropriate stormwater control measures for the quantity and quality of stormwater runoff in the city; providing for waivers; providing requirements for the protection of water resources; imposing application fees and procedures; requiring adherence to the plans approved by the City Engineer; providing for maintenance; and providing for enforcement and penalties for violation.

(B) In order to protect, maintain, and enhance both the immediate and the long-term health, safety, and general welfare of the citizens of Dublin, it is the intent of the city to enact this chapter so as to accomplish the following objectives:

(1) To prevent loss of life and loss of property due to flooding;

(2) To protect, restore, and maintain the chemical, physical, and biological quality of ground and surface waters;

(3) To encourage productive and enjoyable harmony between humanity and nature thus enhancing the scenic beauty and environment of the City;

(4) To prevent individuals, business entities, and governmental entities from causing harm to the community by activities which adversely affect water resources;

5) To encourage the protection of natural systems, including groundwater and the use of those natural systems in ways which do not impair their beneficial functioning;

(6) To assist in stabilizing the banks of streams to reduce bank erosion and the downstream transport of sediments eroded from watercourse banks;

(7) To provide areas for natural meandering and lateral movement of stream channels;

(8) To minimize the transport of sediments and pollutants to surface water and groundwater;

(9) To provide high quality stream habitats with shade and food to a wide array of wildlife by maintaining diverse and connected riparian vegetation;

(10) To provide economical benefits to the city by minimizing encroachment on stream channels and reducing the need for costly engineering solutions such as dams and riprap;

(11) To protect structures and reduce property damage and threats to the safety of watershed residents;

(12)To add to the quality of life of the residents of the City of Dublin and corresponding property values;

(13)To ensure the attainment of these objectives by requiring the approval and implementation of stormwater management plans for all activities which may have an adverse impact upon groundwater and surface water.

§ 53.020 SHORT TITLE.

This chapter shall be known and cited as the Stormwater Management and Stream Protection chapter, hereinafter referred to as the stormwater regulations.

§ 53.030 JURISDICTION.

The stormwater regulations shall apply in all areas within the development jurisdiction of the city.

§ 53.040 DEFINITIONS.

For the purpose of the stormwater regulations, the following terms, phrases, and definitions shall apply. Words used in the singular shall include the plural, and the plural, the singular. Words used in the present tense shall include the future tense. The word ***SHALL*** is mandatory and not discretionary. The word ***MAY*** is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined by the latest edition of Webster's Dictionary.

AGRICULTURE. The art or science of cultivating the ground, including the harvesting of crops, and the rearing and management of live stock; farming.

APPLICANT. Any person or duly designated representative applying for a permit or other type of city, federal, or state regulatory approval to proceed with a project.

AS-BUILT PLANS. The final plans amended to include all locations, dimensions, elevations, capacities, capabilities, as actually constructed and installed.

BEST MANAGEMENT PRACTICES (BMPs). Schedules of activities, prohibition of practices, maintenance procedures, and other management practices (both structural and non-structural) to prevent or reduce the pollution of waters. BMP's also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BLUE-LINE STREAM. Those streams shown on USGS 7.5' Quad maps with solid or dashed blue lines.

CLEARING. The removal of trees, brush, and other ground cover from a part of the land, but shall not include mowing.

COMPENSATING STORAGE. Equivalent floodplain storage provided to counterbalance floodplain filling.

CONSERVATION. The wise use and management of natural resources.

CONSTRUCTION. The erection, alteration, repair, renovation, demolition or removal of any building or structure; and the clearing, stripping, excavating, filling, grading, and regulation of sites with connection therewith.

CONSTRUCTION ENTRANCE. The permitted points of ingress and egress to construction sites regulated under this regulation which reduce the mud, dust and dirt tracked out of the site.

DAMAGED OR DISEASED TREES: Trees that have split trunk, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, lean as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.

DENUDE. The act of stripping, scraping, and/or scalping a site of vegetation, thus exposing bare soil.

DETENTION or ***TO DETAIN.*** The retardance of, or to retard or slow, the discharge, directly or indirectly, of a given volume of stormwater runoff into surface waters in a facility that does not contain a permanent or normal pool of water.

DEVELOPER. Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect the development of land for himself or for another.

DEVELOPMENT AREA. Any contiguous (abutting) area owned by one or more person(s) or developed as a single phase or multiple phases (units) and used or being developed or redeveloped, for non-farm commercial, industrial, residential, or other non-farm purposes upon which earth-disturbing activities are planned or underway.

DEVELOPMENT or ***DEVELOPMENT ACTIVITY.*** The alteration, construction, installation, demolition or removal of a structure, impervious surface or drainage facility; or clearing, scraping, grubbing, killing or otherwise removing the vegetation from a site; or adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise significantly disturbing the soil, mud, sand or rock of a site.

DISCHARGE. The outflow of water from a project, site, aquifer, drainage basin or facility.

DISTURBED AREA. An area of land subject to erosion due to the removal of vegetative cover and/or other earth disturbing activities.

DITCH. A constructed channel for irrigation or stormwater conveyance.

DRAINAGE. The removal of excess surface water or groundwater from land by surface or subsurface drains.

DRAINAGE AREA. The area of land contributing surface water to a specific point.

DUMPING. Grading, pushing, pilling, throwing, unloading, or placing of fill material, composed of earth, soil, rock, sand, gravel, or demolition material.

EARTH-DISTURBING ACTIVITY. Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.

EASEMENT. A grant by a property owner for the use of a specified portion of land for a specified purpose.

EROSION:

(A) The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep.

(B) Detachment and movement of soil or rock fragments by wind, water, ice or gravity.

(C) Erosion includes:

(1) Accelerated Erosion: erosion much more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.

(2) Floodplain Erosion: abrading and wearing away of the nearly level land situated on either side of a channel due to overflow flooding.

(3) Gully Erosion: a type of erosion caused by concentrated runoff that removes soil such that channels are formed and/or become considerably deeper than what would otherwise result by normal smoothing or tilling operations.

(4) Natural (Geological) Erosion: the wearing away of the earth's surface by water, ice or other natural agents under natural environmental conditions of clime, vegetation, etc., undisturbed by man.

(5) Normal Erosion: the gradual erosion of land used by humans which does not greatly exceed natural erosion.

(6) Rill Erosion: an erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.

(D) Sheet Erosion: the removal of a fairly uniform layer of soil from the land surface by wind or runoff water.

(E) Stream Erosion: erosion of the bank or bottom due to the high velocity of flow within the stream.

EROSION AND SEDIMENT CONTROL. Physical, mineral, procedural, and organic measures to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.

EXEMPTION. Those activities that are not subject to the requirements contained in this regulation.

EXTENDED DRY DETENTION. A drainage facility designed to capture the water quality volume, release 50 percent of it in no less than 16 hours, and the remainder in no less than 32 hours (for a total of 48 hours).

FINAL STABILIZATION. Establishment of a uniform perennial vegetative cover with a density of at least 70% of the cover for the disturbed area, or equivalent stabilization measures (such as the use of mulches or geotextiles) employed after all earth disturbing activities have been completed.

FINSISHED GRADE. The final grade or elevation of the ground surface conforming to the approved site grading plan.

FOREBAYS. Areas located at detention basin inlets that are designed to trap coarse sediment particles by separating approximately ten percent of the extended detention basin volume from the remainder of the basin with a lateral sill, rock-filled gabions, a retaining wall, or horizontal rock filters.

GRADING. The stripping, cutting, filling, stockpiling, or any combination thereof of earth disturbing activities, including land in its cut or filled conditions.

GRUBBING. Any activity which removes or significantly disturbs the root matter within the ground.

GROUNDWATER. Water below the surface of the ground whether or not flowing through known or defined channels.

HYDROGRAPH. A graph of discharge versus time for a selected point in the drainage system.

MAINTENANCE. The action taken to restore or preserve the as-built functional design of any facility or system.

NATURAL SUCCESSION: A gradual and continuous replacement of one kind of plant and animal group by a more complex group. The plants and animals present in the initial group modify the environment through their life activities thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment.

NOXIOUS WEED: Any plant species defined by the Ohio Department of Agriculture as a "noxious weed" and listed as such by the Department. For the purposes of this regulation, the most recent version of this list at the time of application of this regulation shall prevail.

100-YEAR FLOODPLAIN: Any land susceptible to being inundated by water from a base flood, which is the flood that has a one percent or greater chance of being equaled or exceeded

in any given year. For the purposes of these regulations, the 100-year floodplain shall be defined and approved by the City Engineer of Dublin or designee.

OPEN CHANNEL. A ditch, channel, swale, or other open conveyance that is not a stream and is used to safely convey stormwater runoff.

ORDINARY HIGH WATER MARK: The point on the bank or shore to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the channel of a stream.

OUTDOOR ACTIVITY AREAS. Areas where pollutants are or may become more concentrated than typical urban runoff as characterized by the USEPA National Urban Runoff Program (NURP), as listed below or otherwise defined by the City Engineer:

(1) Industrial material, waste handling, and storage areas, including but not limited to loading docks, fuel and other liquid storage/dispensing facilities, material bins, containers, stockpiles, and other storage containers, waste dumpsters, bins, cans, tanks, stockpiles, and other waste containers.

(2) Processing, manufacturing, fabrication, cleaning, or other permanent outdoor equipment or work areas.

(3) Areas where vehicles and equipment are repaired, maintained, stored, disassembled, rinsed, cleaned or disposed.

OWNER. The person in whom is vested the fee, ownership, dominion, or title of property (i.e., the proprietor). This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant including a developer.

PARCEL or ***PARCEL OF LAND.*** A contiguous quantity of land in possession or owned by, or recorded as property of the same claimant person as of the effective date of the stormwater regulations.

PERMITTEE. Any person who has been granted a permit to proceed with a project.

PERSON. Any individual, firm, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common business interest, or any other legal entity.

POLLUTION. Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to: public health, safety or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wildlife, including birds, fish or other aquatic life.

POST-DEVELOPMENT. The average conditions as of the completion of the development for which a permit has been applied.

PRE-DEVELOPMENT. The hydrologic and hydraulic condition of the project site immediately before development or construction begins.

PROFESSIONAL ENGINEER. A professional engineer licensed by the State of Ohio, skilled in the practice of civil engineering and the engineer of record for the project under consideration.

PROHIBITED DISCHARGES. Any discharges which are not composed entirely of stormwater unless authorized under a discharge permit issued by the OEPA.

RECHARGE. The inflow of water into an aquifer.

RETENTION or ***TO RETAIN.*** The prevention of, or to prevent, the discharge, directly or indirectly, of a given volume of stormwater runoff into surface waters in a facility that has a permanent or normal pool of water.

RIPARIAN AREA. A transitional area between flowing water and land covered by terrestrial vegetation that provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding. Riparian areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows and/ or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of these regulations.

SEDIMENT. Solid material, both mineral and organic, that is or was in suspension, is being or has been transported, or has been moved from its site of origin by air, water, gravity, or ice, and has come to rest on the earth's surface either above or below water.

SEDIMENT BASIN. Sedimentation control devices such as ponds or traps that are designed to collect concentrated runoff from disturbed areas, settle and retain sediment in the runoff, and discharge the runoff water to a stabilized channel or pipe.

SEDIMENTATION CONTROL DEVICE. Any structure or area which is designed to hold runoff water until suspended sediments have settled.

SINKHOLE. A depression characterized by closed contours on a topographic map.

SITE. Any lot or parcel, or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership where clearing, stripping, grading or excavating is performed.

STABILIZATION. The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.

STORM EVENT. The storm of a specific duration, intensity, and frequency.

STORMWATER or ***RUNOFF.*** Refers to the flow of water which results from, and which occurs during and immediately following a rainfall event.

STORMWATER CONTROL MEASURES. Can also be known as BMPs, but here it is used to describe the allowable methodologies for handling stormwater quantity and quality control as outlined in our stormwater design manual.

STORMWATER FACILITY. Any natural or constructed component of the stormwater management system.

STORMWATER MANAGEMENT PLAN. Refers to the approved detailed analysis, design, and drawings of the stormwater management system, including erosion and sediment controls and other management practices and stormwater control measures for construction activities, required for all construction.

STORMWATER MANAGEMENT SYSTEM. All natural and constructed stormwater control measures used for the conveyance, cleaning and storage of stormwater through and from a drainage area, including, but not limited to, any and all of the following: channels, ditches, swales, flumes, culverts, streets, streams, watercourses, waterbodies, wetlands detention/retention facilities, and treatment devices.

STORMWATER MASTER PLAN. The technical and policy manuals and any subsequent updates or amendments thereto used by the City Engineer to administer the stormwater regulations.

STORMWATER QUALITY. Any liquid, solid, or semi-solid substance, or combination thereof, that enters stormwater runoff in concentrations or quantities large enough to contribute to the degradation of the beneficial uses of the body of water receiving the discharge.

STORMWATER QUALITY TREATMENT. The removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.

STREAM. A channel having a well-defined bed and bank, either natural or artificial which confines and conducts continuous or periodic flowing water in such a way that terrestrial vegetation cannot establish roots within the streambed. Includes intermittent, ephemeral and perennial streams and streams identified by USGS or NRCS maps.

STREAM CORRIDOR PROTECTION ZONE (SCPZ). The area set back along a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. SCPZs are those lands within the City of Dublin that fall within the area defined by the criteria set forth in these regulations.

STRIPPING. Any activity which removes or significantly disturbs the vegetative surface cover.

STRUCTURE. Anything constructed or installed with a fixed location on the ground, or attached to something having a fixed location on the ground.

SUBGRADE. The top elevation of graded and compacted earth underlying roadway pavement.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would be equal to, or would exceed, 50% of the market value of the structure before the damage occurred.

SWALE. An artificial or natural waterway which may contain contiguous areas of standing or flowing water only following a rainfall event, or is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake, or is designed to take into account the soil erodibility, soil percolation, slope, slope length, and contributing area so as to prevent erosion and reduce the pollutant concentration of any discharge. Also see definitions for Open Channel and Ditch.

TAILWATER. The water into which a spillway or outfall discharges.

TEMPORARY SOIL EROSION AND SEDIMENT CONTROL MEASURES. Interim control measures installed or constructed to control soil erosion until permanent soil erosion control measures are established.

TERRESTRIAL VEGETATION. Upland vegetation and facultative upland vegetation, as defined in the National Wetland Plant List.

TOPSOIL. Surface and upper surface soils which presumably are darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.

WAIVER. A permit of conditional exemption from the regulation in part or in whole, as specified by the approving agent, in a formal written statement. A waiver from the regulation shall not be assumed to be in effect, without the expressed written statement from the City.

WATERBODY or RECEIVING WATERS. Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline and into which surface waters flow.

WATERCOURSE. Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, drainageways, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course, either continuously or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.

WETLANDS. Those areas that are inundated or saturated by surface or groundwater with a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

WORKS. All artificial structures, including, but not limited to, canals, ditches, swales, conduits, channels, culverts, pipes, and other construction that connects to, draws water from, drains water into, or is placed in or across the waters in the state.

§ 53.050 AUTHORITY.

The City Engineer is hereby authorized to administer the stormwater regulations. The City Engineer shall maintain and update this Stormwater Management and Stream Protection Ordinance and recommend to City Council for adoption modifications in this Stormwater Management and Stream Protection Ordinance. The City Engineer shall also develop and maintain a Stormwater Master Plan, administrative procedures, detailed design studies or procedures to reflect new construction (including building additions), and/or engineering design technology necessary to administer this Ordinance.

§ 53.060 REQUIRED APPROVALS.

(A) The requirements of the stormwater regulations shall be implemented, and shall be satisfied completely, prior to final project approval by the City Engineer. No person shall conduct any development activity, or subdivide or make any change in the use of land, or construct any stormwater management system or structure, or change the size of an existing structure or system, except as may be exempted in § 53.070 hereof.

(B) Any construction plans, specifications, building permits, or other documents approved by the City Engineer shall be constructed in accordance with all applicable state or federal permit requirements of the Ohio Environmental Protection Agency (OEPA), Ohio Department of Natural Resources (ODNR) and/or U.S. Army Corps of Engineers. No construction activity shall commence prior to obtaining applicable permits from these agencies.

§ 53.070 EXEMPTIONS.

With the approval of the City Engineer, the following activities may be exempted from on-site stormwater runoff control. An exemption shall apply only to the requirement for on-site stormwater detention or retention facilities. All other design elements such as the storm sewer system, road culverts, erosion and sedimentation control, and runoff quality (unless otherwise exempted) shall not be exempted.

(A) *Emergency exemption.* Emergency maintenance work performed for the protection of public health and welfare, however, if the earth-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the City.

(B) *Maintenance exemption.* Any maintenance to an existing system made in accordance with plans and specifications approved by the City Engineer.

(C) *Development-related exemptions.* The applicant shall provide to the City Engineer in writing a request for exemption which shall include a scaled site map, property tax number, and street address if applicable.

(1) Single-family or duplex exemption. Single-family or duplex residential construction on a single lot that is not part of a larger common plan of development.

(2) Any construction which adds less than 2,000 square feet through expansion of a building, structure or pavement which results in new impervious area on a project site.

(3) It is conceivable that development situations not automatically subject to exemption may exist such that development will have none of the harmful effects of sediment deposition. Such development situations, subject to City concurrence, are eligible for a waiver from this regulation. Waiver Requests shall be made in writing to the City Engineer and shall include sufficient detail to support that granting a wavier will not be detrimental to abutting properties or to watercourses, public waters, or to the sewer System.

(D) *Scioto River Corridor Exemption.* Parcels that are located between State Route 745 (Dublin Road) and State Route 257 (Riverside Drive) which are directly tributary to the Scioto River

(E) *Bridge Street District Exemption.* The City has established exemptions to Stormwater Management Requirements due to parcel location within the Bridge Street District. The applicant needs to review the current version of the City's Stormwater Management Design Manual to determine the requirement that needs to be followed for their proposed development.

(F) Regular farming activities on land intended for such use, except when these activities involve practices which increase storm water runoff and exacerbate erosion and sedimentation.

(G) Tilling, planting or harvesting of agricultural, horticultural, or forest crops that employ soil conservations related to agriculture as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, and land drainage and land irrigation which does not cause an increase in storm water runoff and does not exacerbate erosion and sedimentation.

(H) Minor earth-disturbing activities such as home gardens and individual home landscaping, repairs, service connections and maintenance work.

(I) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk (provided the earth-disturbing activity is confined to the area of the road, street or sidewalk that is hard surfaced), and does not involve dewatering operations that produce sediment-laden effluent discharging to surface-lands and/or surface-waters.

(J) Septic tank lines or drainage fields unless included in an overall plan for earth-disturbing activity relating to the construction of the building to be served by the septic tank system.

(K) Repair or rebuilding of the tracks with-in the right-of-way of a railroad company.

(L) *Stream Corridor Protection Zone.* Stream corridor protection zones are not required if a Preliminary Plan has already been approved for a site at the time this ordinance is passed.

(M) *Historic Dublin.* Development within this area, as defined in the Zoning Code, shall be exempt from compliance with the City's storm water quantity regulations but shall be held in compliance with the City's storm water quality regulations, described in § 53.090, if the construction activities disturb one (1) or more acres of total land.

§ 53.080 GENERAL REQUIREMENTS.

(A) A stormwater management system shall be designed and installed for the development that will contain features to provide for flood protection, erosion control, and pollution abatement. The stormwater management system design shall conform to the Stormwater Design Standards contained in § 53.090 hereof, the Stormwater Master Plan and other standards specified by the City Engineer. The intent of these design standards is to encourage environmentally sound stormwater management practices; they should go beyond providing drainage facilities. Developments that sacrifice recharge and upland controls in order to maximize the number of lots will not be allowed. The city's stormwater management perspective includes the management of both water quantity and water quality. Stormwater management design shall blend into the natural environment and be aesthetically integrated into site design.

(B) Streams and wetlands subject to protection under Section 404 of the Clean Water Act shall be protected from the impacts of development. Setbacks from streams and wetlands shall be established and regulated to protect structures from flooding and erosion as well as to maintain water quality within the stream and wetland. The stormwater system design shall ensure that the quantity and quality of stormwater flows directed to these stream and wetlands are maintained as previous to development. Constructed wetlands (including bio-retention basins) shall be considered subject to these requirements. Existing wetlands shall not be used for stormwater management or stormwater runoff quality treatment.

(C) All development activity within a special flood hazard area designated by the Federal Emergency Management Agency (FEMA) or any other area as designated by the City Engineer shall comply with Chapter 151 of the Dublin Code of Ordinances. All development shall be designed to maintain the flood carrying capacity of the floodway such that the base flood elevations are not increased, either upstream or downstream. Furthermore, no fill shall be allowed to be placed in the 100-year floodplain without an equivalent volume of soil removed to compensate for the loss of the flood storage as defined in §53.200 (G) of this regulation.

(D) The stormwater management system shall not create an adverse impact on stormwater quantity or quality in either upstream or downstream areas. Offsite areas which discharge to or

across a site proposed for development shall be accommodated in the stormwater management plans for the development. No stormwater management plan shall be approved until it is demonstrated that the runoff from the project shall not overload or otherwise adversely impact any downstream areas.

(E) All proposed stormwater management systems shall be designed to prevent the pollution of groundwater resources by stormwater, promote safety, minimize health hazards, preserve natural features, and provide for recharge where appropriate. Neither submission of a plan under the provision herein nor compliance with the provisions of these regulations shall relieve any person from responsibility for damage to any person or property otherwise imposed by law.

(F) Where deemed necessary by the City Engineer, the applicant shall construct storm drains to handle on-site runoff; provide on-site drainage easements; provide off-site drainage easements; and provide for the conveyance of off-site runoff to an acceptable outlet in the same watershed. However, the on-site drainage easements may not encroach on required perimeter landscaping.

(G) Guidance on stream corridor protection zones (SCPZ) shall be referenced from § 53.200.

(H) Illicit discharges shall not be permitted. Any natural or man-made conveyance or drainage system, pipeline, conduit, inlet, or outlet (including natural surface flow patterns, depressions or channels traversing one or more properties) through which the discharge of any pollutant (including illegal sanitary sewer connections) to the stormwater management system shall not occur unless the connection is authorized under a discharge permit issued by the OEPA.

§ 53.090 STORMWATER DESIGN STANDARDS.

(A) *General.* The City Engineer shall develop and maintain administrative policies and manuals that define accepted design practices, procedures, and guidance materials that shall be used to satisfy the City's stormwater regulations.

§ 53.100 DEDICATION OF EASEMENTS AND RIGHTS-OF-WAY.

(A) Drainage easements or rights-of-ways, as specified in the Stormwater Design Standards, shall be conveyed by the applicant at no expense to the city for the stormwater facilities within the development.

(B) When a proposed stormwater management system will carry water across private land outside the development, the offsite drainage easements as specified in the Stormwater Design Standards shall be secured by the owner or applicant.

(C) When a development is bifurcated by a stream, wetland or watercourse, the applicant shall provide a drainage easement or right-of-way conforming substantially to the lines of such watercourse or open channel, which shall be a minimum width, as specified in § 53.200.

(D) Easements and rights-of-way shall include suitable access as specified herein for maintenance equipment from public rights-of-ways.

(E) All drainage easements, both on-site and offsite, shall be recorded on a final plat or a separate recorded document approved by the city. Recording costs shall be the responsibility of the Applicant. Recorded easements and rights-of-way documents shall be returned to the City's Finance Department.

(F) Outfall ditches, channels, and detention/retention facilities shall have sufficient rights-of-way and/or easements for the facility plus an unobstructed maintenance accessway on one or both sides. Said rights-of-way and/or easements shall be contiguous to public right-of-way or easement and shall allow for suitable access by maintenance equipment. Where the right-of-way and/or easement is provided for access only, the minimum width shall be as follows:

Ditch or Channel Top of Bank Width	**Minimum Maintenance Accessway Required**
Less than 16 feet	20 feet on one side
16 feet to 32 feet	20 feet on both sides
32 feet to 55 feet	20 feet on one side and 30 feet on the opposite side
Over 55 feet	30 feet on both sides

(G) Maintenance accessways shall be sloped no steeper than 1/4-inch per foot. Ponds shall have a sufficient right-of-way/easement to allow for installation plus an unobstructed maintenance accessways all around the perimeter of the pond.

(H) A 20-foot easement centered on a storm sewer shall be conveyed to the City when the storm sewer is not located within dedicated rights-of-way. Easements shall be contiguous to public rights-of-way and shall allow for suitable access by maintenance equipment.

(I) Overland flood routing paths shall be used to convey stormwater runoff from the 100-year, 24-hour storm event to an adequate receiving water body, stormwater system or stormwater detention basin such that the runoff is contained within the drainage easement for the flood routing path and does not cause flooding of residential or commercial buildings or related structures. Flood routing paths shall be evaluated using the peak 100 year water surface elevation such that it lies at least one foot below the finished floor elevation of adjoining structures. When designing the flood routing paths, the conveyance capacity of the site's storm sewers shall be taken into consideration.

§ 53.110 STORMWATER MANAGEMENT PLAN.

(A) A Stormwater Management Plan and Erosion and Sediment Control Plan shall be submitted for review and approval by the City Engineer. Details regarding the contents of the

documents will be created and maintained by the City Engineer in a manual or administrative policy.

§ 53.120 STORMWATER MANAGEMENT PLAN APPLICATION.

(A) It is strongly recommended that the applicant and the project engineer meet with city staff prior to generating detailed design calculations and construction drawings in order to review and plan design requirements for a particular project. This application is not a separate submittal from the stormwater management plan requirements outlined in Section 53.110.

(B) It is the responsibility of the applicant to include in the stormwater management plan application sufficient information for the city to evaluate:

(1) The environmental and hydraulic characteristics of the affected areas;

(2) The potential and predicted impacts of the proposed activity on community waters;

(3) The effectiveness and acceptability of those measures proposed by the applicant for eliminating or reducing adverse impacts; and

(C) The stormwater management plan application shall contain:

(1) The name, address, and telephone number of the owner and applicant, and the entity that will maintain the system;

(2) The maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to support references, as appropriate to communicate the information required by this chapter; and

(3) Construction plans and specifications for all components of the stormwater management system shall be included in the stormwater management plan application, which shall be prepared or directly supervised by, signed, and sealed by a professional engineer.

§ 53.130 ACCEPTANCE OF STORMWATER IMPROVEMENTS.

Subsequent to the applicant satisfying the requirements of the stormwater regulations and other applicable ordinances, and the issuances of appropriate permits and/or approvals, the applicant shall, during construction, arrange for and schedule the following inspections by the city.

(A) During the clearing operation, excavation, after significant rainfall, and at other times determined by the City Engineer, to assure that effective control practices relative to erosion and sedimentation are being followed.

(B) All public underground conveyance and control structures prior to backfilling, and all taps of private underground conveyance systems into public conveyance systems.

(C) Final inspection when all public systems required under the approved stormwater management plan have been installed.

(D) The professional engineer for the project shall submit a signed and sealed set of as-built plans, on electronic disk and reproducible mylar brand polyester film drawing sheets, to certify the system has been constructed as designed and satisfies all conditions of the stormwater management plan. Where changes have been made to the stormwater management system which deviate from the approved construction plans, the Professional Engineer shall submit supporting documentation with the as-built plans, which proves that the stormwater system shall be in compliance with the stormwater regulations.

(E) Maintenance and compliance inspections of stormwater management systems shall be conducted on a routine, periodic basis, as deemed appropriate by the city, or as complaints arise concerning the system. By seeking and obtaining plan approval under the stormwater regulations, the operator and owner shall be deemed to have consented to inspections by the city and other appropriate regulatory agencies or departments upon presentation of proper identification by the representative(s) of the agency(ies) conducting the inspections.

(F) Public improvements. Public stormwater conveyance and control systems may be accepted for public use after the following minimum conditions have been met:

(1) The applicant shall provide to the City Engineer security according to § 152.045 of the Dublin Code of Ordinances;

(2) The applicant shall provide to the City Engineer as-built plans according to § 53.130(D) of the stormwater regulations; and

(3) The as-built plans have been reviewed and approved by the City Engineer.

(G) Private improvements. Private stormwater conveyance and control systems may be approved for use after the following minimum conditions have been met:

(1) The applicant shall provide to the City Engineer as-built plans according to § 53.130(D) of the stormwater regulations; and

(2) The as-built plans have been reviewed and approved by the City Engineer. It shall not be legal to use the property (as opposed to the structure) until the as-built plans have been received and approved by the City Engineer and the stormwater improvements have been completed as shown on the approved as-built plans.

§ 53.140 MAINTENANCE RESPONSIBILITY.

(A) The installed stormwater system shall be properly maintained and operated by the legal entity responsible for maintenance in order to achieve compliance with the conditions

outlined in this ordinance. All stormwater management plan applications shall contain documentation sufficient to demonstrate that the operation and maintenance entity is the legal entity empowered and obligated to perpetually maintain the stormwater management facilities. Details of this documentation, including maintenance responsibilities and agreements, shall be included in the Notes section of development plans and where applicable on the final plats. Final plats shall be recorded in Delaware, Franklin, or Union County at no expense to the City and shall constitute a covenant running with the land and shall be binding on the legal entity responsible for maintenance. Where final plats are not recorded, stormwater management plan and development plan documentation regarding obligations to perpetually maintain stormwater management facilities shall be maintained by the City Engineer. The city considers the following entities acceptable to operate and maintain stormwater management facilities:

(1) Local governmental units, including the county, municipalities, or Municipal Service Taxing Units.

(2) Non-profit corporations, including homeowners associations, property owners associations or condominium owners associations, under certain conditions which ensure that the corporation has the financial, legal, and administrative capability to provide for the long-term operation and maintenance of the facilities.

(3) The property owner or developer is normally not acceptable as a responsible entity, especially when the property is to be sold to various third parties. However, the property owner or developer may be acceptable under one of the following circumstances provided the maintenance requirements are described in a document that has been submitted to the City;

(a) The property is wholly owned by said applicant and the ownership is intended to be retained. This would apply to a farm, corporate office, or single industrial facility, for example.

(b) The ownership of the property is retained by the applicant and is either leased to third parties (such as in some shopping centers), or rented to third parties (such as in some mobile home parks), for example.

(B) The stormwater management system shall be maintained by the legal entity. Public improvements shall have adequate easements, in accordance with § 53.100 hereof, to permit the city to inspect, and if necessary, to take corrective action should the legal entity fail to maintain the system properly. The City maintains the right to assess costs of labor and materials for such corrective action to the responsible party in accordance with usual and customary costs in place at the time of action.

(C) Maintenance of stormwater facilities shall allow the stormwater management system to perform as originally designed and permitted by the city and other appropriate governmental agencies and as set forth in the written plan.

(D) Maintenance shall include compliance with city building and construction codes, and all other applicable codes.

§ 53.150 ENFORCEMENT.

Guidance on enforcement of this ordinance, including those responsibilities agreed to under the maintenance agreements, shall be referenced in Section 153 of the Zoning Code. If at any time the City Engineer determines that the project is not in accordance with the approved plan, or if any project subject to the stormwater regulations is being carried out without an approved plan, the City Engineer is authorized to:

(A) Give the legal entity written notice of the corrective action required to be taken. Should the legal entity fail within 30 days of the date of the notice to complete such corrective action, the City Engineer may enter upon the property, and take the necessary corrective action and assess fees for such action to the violator. If fees are not paid by the violator at the time the service is provided, the City has the right to pursue collection of fees through certification to the County Auditor, remittance to a collection service, or any other appropriate pursuit for payment.

(B) Take appropriate corrective action in the event of an emergency situation which endangers persons or property, or both, as determined to exist by the City Engineer.

(C) Issue written notice to the applicant specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance within five working days.

(D) Issue a stop-work order directing the applicant or persons in possession to cease and desist all or any portion of the work which violates the provisions of the stormwater regulations if the remedial work is not completed within the specified time. The applicant shall then bring the project into compliance.

§ 53.200 ESTABLISHMENT OF A STREAM CORRIDOR PROTECTION ZONE.

(A) Stream Corridor Protection Zones (SCPZs) are established as provided in this section.

(B) Streams addressed by this ordinance are those that meet the definition of "stream" in Section 53.040 of these regulations.

(C) The SCPZ width shall be the width of the FEMA-designated 100-year floodplain, or in areas where a FEMA-designated 100 year floodplain has not been designated, a width defined by the following according to the contributing drainage area:

MINIMUM SCPZ WIDTH BY CONTRIBUTING DRAINAGE AREA OF STREAM	
Contributing Drainage Area (ac)	**SCPZ Width (ft)**
<100	25
101-250	38

251-500	50
501-800	63
801-1200	75
1201-2000	88
>2000	100

In most instances the calculated stream corridor protection zone shall be placed at the ordinary high water mark on each side of the channel and extend outward. This will result in a total SCPZ width of two times the minimum SCPZ width (stated in the guidance table above) plus the width of the stream. However, individual site conditions including, but not limited to, topography and slope must be considered when determining the precise location of the stream corridor protection zone and shall be left to the City's discretion.

(D) The width of the SCPZ may be extended to include slopes that are greater than 15% and begin at a point within the SCPZ. The maximum width of the SCPZ extension shall be to the top of the slope or to a point up slope, as measured horizontally, where the width of the SCPZ is doubled, whichever is less. Slope protection widths may be extended beyond these limits at the City's discretion on a case-by-case basis.

(E) The following are exempt from the terms and protection of this ordinance: grassy swales, drainage ditches created at the time of a subdivision to convey stormwater water to another system, tile drainage systems, and stream culverts.

(F) The following shall apply to the SCPZ:

(1) The width of the SCPZ shall be measured in a horizontal direction outward from the ordinary high water mark of each designated watercourse.

(2) Except as otherwise provided in this regulation, SCPZs shall be preserved in their natural state.

(3) The applicant shall be responsible for determining if jurisdictional wetlands have been identified within any proposed development site. Where existing wetlands protected under federal or state law are identified within the SCPZ, the SCPZ shall consist of the full extent of the wetlands plus any additional setback distance mandated by state or federal permit.

(4) The applicant shall be responsible for delineating a rough layout of the SCPZ, including any expansions or modifications as required by B through D of this section, and identifying this setback on all preliminary subdivision or land development plans, and/or building permit applications. Final development plans shall delineate the SCZP by a metes and bounds survey. This final delineation shall be subject to review and approval by the City Engineer or designee. As the result of this review, the Engineer or designee may require further studies from the applicant.

(5) Prior to any earth-disturbing activity, the SCPZ shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be maintained throughout earth-disturbing activities. The delineated area shall be

maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed.

(6) If earth-disturbing activities will occur within 50 feet of the outer boundary of the SCPZ, the SCPZ shall be clearly delineated by the applicant on site with construction fencing, and such delineation shall be maintained throughout earth-disturbing activities.

(7) No approvals or permits shall be issued by the City Engineer or designee prior to delineation of the SCPZ in conformance with these regulations.

(8) Upon completion of an approved subdivision, the SCPZ shall be permanently recorded on the plat records for the City of Dublin.

(G) In order to preserve floodplain storage volumes and thereby avoid increases in water surface elevations along FEMA regulated streams, filling within FEMA delineated 100-year floodplains may only occur outside of the floodway plus 20 feet- and must be compensated by removing an equivalent volume of material. Compensating storage shall be determined by the volume of material removed above the ordinary high water table and below the 100-year flood elevation established for that area. Compensating storage shall be provided within the legal boundaries of the development. No stormwater management facilities required by the City shall be permitted in the floodplain unless, at City's discretion, the applicant demonstrates that it does not remove floodplain storage when operating at its design capacity. First consideration for the location(s) of compensatory floodplain volumes should be given to areas where the stream channel will have immediate access to the new floodplain within the limits of the development site. Embankment slopes used in compensatory storage areas must reasonably conform to the natural slopes adjacent to the disturbed area. The use of vertical retaining structures is specifically prohibited.

(H) Degraded SCPZs shall be re-graded and re-vegetated such that riparian habitat is recovered and the streambank stabilized in a manner suitable for the native site conditions.

(I) *Stream Relocation*

(1) Streams may be relocated if the applicant's design demonstrates, to the satisfaction of the City, that the following criteria are met:

(a) Maintain or improve geomorphic stability.

(b) Maintain or improve flood storage capacity.

(c) Maintain or lower regulatory flood water surface elevations.

(d) Enhance aquatic and riparian habitats.

(e) Provide increased recreational opportunities.

(f) Produce zero or positive impacts on water and land resources.

(g) Minimize operations and maintenance requirements.

(h) Maximize safety conditions.

(2) The project's design shall be performed by a qualified Professional Engineer with experience in fluvial geomorphology.

(3) If floodplain boundaries change as a result of the relocation, the requirements of Chapter 151:Flood Control become applicable.

(J) SCPZ's shall be clearly delineated on preliminary development plans, final plats, final development plans final construction drawings, building permit site plans and stormwater management plans. Final plats or applicable portions of the final development plan documentation shall be recorded in Franklin, Delaware, or Union County at no expense to the City and shall constitute a covenant running with the land.

§ 53.210 USES PERMITTED IN THE STREAM CORRIDOR PROTECTION ZONE.

(A) Open space uses that are passive in character shall be permitted in the SCPZ including, but not limited to, those listed in 1 through 3 of this section. No use permitted under these regulations shall be construed as allowing trespass on privately held lands. Alteration of this natural area is strictly limited. Except as otherwise provided in these regulations, the SCPZ shall be preserved in its natural state.

(1) Recreational Activity. Passive recreational uses, as permitted by federal, state, and local laws, such as hiking, non-motorized bicycling, fishing, hunting, picnicking and similar uses and associated structures including boardwalks, pathways constructed of pervious material, picnic tables, playground equipment, athletic fields, and wildlife viewing areas.

(2) Removal of Damaged or Diseased Trees. Damaged or diseased trees may be removed. Because of the potential for felled logs and branches to damage downstream properties and/or block ditches or otherwise exacerbate flooding, logs and branches resulting from the removal of damaged or diseased trees that are greater than 6 inches in diameter, shall be anchored to the shore or removed from the 100-year floodplain.

(3) Re-vegetation and/or Reforestation. The re-vegetation and/or reforestation of the SCPZ shall be allowed without approval of the City Engineer or designee.

(B) Projects involving public utilities, transportation infrastructure, stormwater management, stream bank stabilization, or other projects where an environmental and public benefit is provided (including excavation for providing compensatory floodplain volume immediately adjacent to the channel) may be permitted within the SCPZ once the design has been approved by the City Engineer and/or all other applicable review authorities.

(C) Disturbances within the SCPZ (including provision of compensatory floodplain storage adjacent to the stream) as a result of a permitted use must be mitigated through re-vegetation/reforestation.

(D) Crossings of streams and SCPZs for roadways shall be minimized. Crossings shall be approved at the discretion of the City Engineer if the applicant can demonstrate that alternative roadway locations are infeasible and that disturbances within the SCPZ will be minimized and mitigated.

§ 53.220 USES PROHIBITED IN THE STREAM CORRIDOR PROTECTION ZONE.

The following uses are specifically prohibited within the SCPZ:

(A) Construction. There shall be no structures of any kind, except as permitted under these regulations.

(B) Dredging or Dumping. There shall be no drilling, filling, dredging, excavation, or dumping of soil, spoils, liquid, or solid materials, except for noncommercial composting of uncontaminated natural materials and except as permitted under this regulation.

(C) Roads or Driveways. There shall be no roads or driveways, except as permitted under these regulations.

(D) Motorized Vehicles. There shall be no use of motorized vehicles of any kind, except as permitted under these regulations.

(E) Disturbance of Natural Vegetation. There shall be no disturbance of natural vegetation within the SCPZ except for the following:

(1) Maintenance of lawns, landscaping, shrubbery, or trees existing at the time of passage of this regulation.

(2) Cultivation of lawns, landscaping, shrubbery, or trees in accordance with an approved Landscaping Plan submitted in conformance with this regulation.

(3) Conservation measures designed to remove damaged or diseased trees or to control noxious weeds or invasive species.

(F) Nothing in this section shall be construed as requiring a landowner to plant or undertake any other activities in the SCPZ provided the landowner allows for natural succession.

(G) Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles. There shall be no parking spaces, parking lots, or loading/unloading spaces.

(H) New surface and/or subsurface sewage disposal or treatment area. SCPZs shall not be used for the disposal or treatment of sewage except for:

(1) Undeveloped parcels that have received site evaluation approval and / or permit approval prior to the enactment of this ordinance.

(2) Dwellings served by disposal / treatment systems existing at the time of passage of these regulations when such systems are properly sited (approved site evaluation) and

permitted or in accordance with the Delaware, Franklin, or Union County Health Department and / or the Ohio Environmental Protection Agency. Existing failing systems which are located within the SCPZ can be upgraded with approval of the Franklin County Health Department and / or the Ohio Environmental Protection Agency.

(I) Fences and Walls. There shall be no fences or walls.

(J) Agriculture. There shall be no agricultural activities.

(K) Industry/commercial business. There shall be no industrial or commercial businesses operated.

(L) Ditching/diking. There shall be no ditching or diking of soil in order to convey water.

(M) Removal of topsoil, sand, gravel, rock, native ground cover/vegetation, oil or gas. There shall be no removal of any of these substances nor any other change in topography other than what is caused by natural forces (with the exception of permitted uses or as approved by the City Engineer).

(N) Herbicides/ pesticides. There shall be no use of herbicides or pesticides except as approved by the City Engineer.

§ 53.230 FACILITIES PROHIBITED IN THE STREAM CORRIDOR PROTECTION ZONE.

The following facilities are prohibited within the SCPZ:

(A) Buildings/structures;

(B) Swimming pools;

(C) Signs;

(D) Billboards;

(E) Utility lines or pipes (with the exception of necessary public sanitary, water, stormwater and public utility transmission lines as approved by the City);

(F) Electric lines (with the exception of transmission lines);

(G) Telecommunications lines (with the exception of transmission lines);

(H) Cable TV lines

(I) Stormwater management facilities; and

(J) Other improvements deemed unacceptable to the City.

§ 53.240 NON-CONFORMING STRUCTURES OR USES IN THE STREAM CORRIDOR PROTECTION ZONE.

(A) Non-conforming structures and uses within the SCPZ, existing at the time of passage of these regulations, that are not permitted under these regulations may be continued but shall not be expanded, changed or enlarged except as set forth in this title.

(B) If damaged, destroyed, terminated or abandoned, these structures or uses may be repaired or restored within six months from the date of damage /destruction or the adoption of these regulations, whichever is later, at the property owners own risk.

(C) A residential structure or use within the SCPZ existing at the time of passage of these regulations may be expanded subject to the following provisions:

(1) The expansion conforms to existing zoning regulations.

(2) The expansion must not impact the stream channel or the floodway plus 20 feet limit.

(3) The expansion must not exceed an area of 15% of the footprint of the existing structure (or use) that lies within the SCPZ. Expansions exceeding 15% of the footprint within the SCPZ must be obtained through the variance process.

(D) Non-residential structure (or use) expansions will be permitted only through the variance process.

§ 53.250 INSPECTION OF STREAM CORRIDOR PROTECTION ZONE.

(A) The Stream Corridor Protection Zone shall be inspected by the City Engineer or designee:

(1) When a preliminary subdivision plat or other land development plan is submitted to the City of Dublin.

(2) When a building or zoning permit is requested.

(3) Prior to any earth-disturbing activity to inspect the delineation of the SCPZ as required under these regulations.

(4) When evidence becomes available that the provisions of these regulations become violated.

(B) Violations of these regulations will be handled as noted in Section 53.210 C.

§ 53.260 VARIANCES, WAIVERS AND EXEMPTIONS

(A) Exemptions from this section shall be in accordance with Section 53.070 (E) and the following:

(1) Application for variances, waivers or interpretations regarding where SCPZ's may apply or SCPZ width shall be submitted to the City Engineer for examination and adjudication. The applicant may be required to provide analytical data or other scientific evidence to support variance requests.

(2) The City Engineer reserves the right to exempt some development areas from this regulation provided that best engineering judgment is used to protect property from flooding or erosion damage.

§ 53.270 APPEALS

(A) Appeals regarding prohibited uses and facilities, or rulings regarding modification of non-conforming structures, within SCPZ's, may be made to the Board of Zoning Appeals.

§ 53.300 EROSION AND SEDIMENT CONTROL REQUIREMENTS FOR CONSTRUCTION SITES

(A) This regulation of the City of Dublin, shall apply to earth-disturbing activities within the jurisdiction of the City of Dublin at the City Engineer's discretion, unless otherwise excluded within this regulation under Section 53.070 or unless expressly excluded by state law, including: land used or being developed for commercial, industrial, residential, recreational, public service or other non-farm purposes.

(B) Earth disturbing activities associated with construction contribute to the pollution of public waters through soil erosion and sedimentation. Other construction activities may cause the discharge or deposition of construction materials and wastes into storm drains and surface waters. Control programs designed to minimize these problems should incorporate the planning, inspection, enforcement, and best management practices defined in § 53.300 through § 53.399.

§ 53.310 GENERAL EROSION AND SEDIMENT CONTROL REQUIREMENTS.

(A) All development activity subject to these regulations shall be provided with erosion and sediment control (ESC) practices during all phases of construction.

(B) No construction activity such as grading, cutting, or filling shall be commenced until erosion and sedimentation control devices have been installed to the satisfaction of the City Engineer.

(C) Stormwater discharges during the five-year design storm shall be released to natural channels at a non-erosive velocity of less than three feet per second unless the channel

is stabilized or otherwise able to withstand higher velocities, as determined by the City Engineer.

(D) No person shall cause or allow earth- disturbing activities on a development area except in compliance with the standards set out in this regulation and the applicable items below:

(1) An erosion and sediment control plan shall be submitted as part of the construction drawings submitted and approved prior to any earth-disturbing activities on development areas, including those development areas being a part of a larger common plan of development or sale. The person proposing such earth-disturbing activities shall develop and submit for approval a plan, as part of the final site improvement plans, containing erosion and sediment pollution control practices so that compliance with other provisions of this regulation shall be achieved during and after development. Such a plan shall address specific requirements contained with this regulation.

(2) The erosion and sediment control plan must contain a description of the controls appropriate for each construction operation covered by this regulation and the operator(s) must implement such controls. The terms must clearly describe for each major construction activity (a) appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and (b) which contractor is responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization). The erosion, sediment, and storm water management practices used to satisfy the conditions of this regulation shall meet the standards and specifications in the current edition of Ohio's Rainwater and Land Development manual or other standards acceptable to the City Engineer.

(3) Owners and/or operators of projects subject to OEPA's Permit No.: OHC000003 (or the current version) for storm water discharges associated with construction activities shall provide a copy of its OEPA notice of intent (NOI) submission and storm water pollution prevention plan (SWP3) to the City Engineer upon request.

(4) The standards outlined herein are general guidelines and shall not limit the right of the City to impose additional, more stringent requirements, nor shall the standards limit the right of the City to waive individual requirements.

§ 53.320 STANDARDS AND CRITERIA FOR EROSION AND SEDIMENT CONTROL

(A) The standards and criteria for ESC facilities will be contained in the same administrative policies and manuals, developed and maintained by the City Engineer, that define accepted design practices, procedures and guidance materials for stormwater management systems.

§ 53.330 SOIL EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS

(B) The ESC Plan for the site shall be an integral part of the site's stormwater management plan. ESC Plan requirements and approval processes are defined in §53.110.

§ 53.340 EROSION AND SEDIMENT CONTROL COMPLIANCE RESPONSIBILITY

(A) *Responsibility.*

(1) ESC Plan approval does not constitute assurance that the proposed BMPs will perform in the manner indicated by the design. The responsibility of the proper functioning operation and maintenance of the BMPs remains with the owner. The owner shall be responsible for providing any additional means or methods necessary to meet the intent of these regulations.

(2) It shall be the responsibility of the site owner to provide notification to the City 48-hours prior to commencement of initial site earth-disturbance. In addition, the site owner shall provide notification to the City, at least 48-hours prior to any work within or across a stream channel or SCPZ. Furthermore, within 45-days after Site Final Stabilization has been achieved, it shall be the responsibility of the site owner to inform the City Engineer that site activities are complete.

(B) *Performance Liability.* No provision of this standard shall limit, increase or otherwise affect the liabilities of the developer nor impose any liability upon the City not otherwise imposed by law.

(C) *Ownership and Maintenance.* The person(s) or entity responsible for the continued maintenance of temporary and permanent erosion control measures shall, prior to any earth -disturbance, be identified to the satisfaction of the City. This party, both during and after site development, shall be responsible for:

(1) Carrying out all provisions as approved on the erosion and sediment control plan and required by this standard,

(2) Promptly removing all soil, miscellaneous debris and other materials that may become spilled, dumped or otherwise deposited on any public thoroughfares during transport to and from the development site, and taking precautions to inhibit the deposition of sediment into any sewer system or natural watercourse.

(3) In addition, the developer shall assume responsibility and all costs for removing any sedimentation deposited in downstream drainage ways or facilities deemed objectionable by the City to the proper functioning of these downstream areas.

(4) The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices and shall ensure the

responsible party has adequate funding to conduct maintenance activities as deemed necessary.

(5) All temporary and permanent erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. They shall be maintained and repaired as needed to assure continued performance of their intended function. All sediment control practices shall be maintained in a functional condition until all up slope areas they control reach final stabilization. Final stabilization shall be determined by the City Engineer.

(D) *Inspection and Enforcement.*

(1) General Inspection Requirements:

(a) The City Engineer may inspect all site development activities, including erosion and sediment control devices and facilities while a development site, when subject to this regulation, is under construction. At a minimum this will be monthly and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. When facilities are not constructed according to approved plans, the City Engineer has the explicit authority to compel compliance with the approved plan and the objectives and standards of this regulation.

(b) A copy of the approved erosion and sediment control plan shall be maintained on site, or in a location easily accessible by the applicant and the City's inspector.

(2) Final Inspection: Prior to final inspection, the developer's engineer shall provide the site grading plan documenting the intended site final grades.

(3) General Inspection Procedures:

(a) Erosion and sediment control practices for construction sites shall be inspected periodically by the City to ensure they are being properly maintained and, if not, the City may compel the owners to make the necessary repairs at the expense of the owner. When inspections reveal the need for repair, replacement, or installation of erosion and sediment control BMPs, the following procedures shall be followed:

(b) When practices require repair or maintenance: If an internal inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.

(c) When practices fail to provide their intended function: If an internal inspection reveals that a control practice fails to perform its intended

function as detailed in the ESC plan and that another, more appropriate control practice is required, the plan must be amended and the new control practice must be installed within ten (10) days of the inspection.

(d) When practices depicted on the ESC plan are not installed: In an internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented with ten (10) days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

(4) Internal Inspections:

(a) At a minimum, all controls on the site shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The owner shall assign qualified inspection personnel (those with knowledge and experience in the installation and maintenance of sediment and erosion controls) to conduct these inspections to ensure that the control practices are functional and to evaluate whether the ESC Plan is adequate and properly implemented in accordance with the proposed permit schedule or whether additional control measures are required. The qualified inspection personnel shall inspect the following:

(b) Disturbed areas used for storage of materials exposed to precipitation shall be inspected for evidence of or the potential for pollutants entering the drainage system.

(c) Erosion and sediment control measures identified in the approved erosion and sediment control plan shall be observed to ensure proper operation.

(d) Discharge locations shall be inspected to determine whether erosion and sediment control measures are effective in preventing significant impacts to the receiving water resource or wetlands.

(e) Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.

(5) Inspection Reports: Inspectors shall prepare written reports after every inspection. The inspection report shall describe:

(a) The date and location of the site inspection

(b) Whether or not the approved plan has been properly implemented and maintained.

(c) Any practice deficiencies or erosion and sediment control plan deficiencies; and the agreed upon type(s) of corrective action necessary to rectify any identified deficiencies.

(d) If a violation exists, the City will decide upon the type of enforcement action taken.

(e) The site manager shall sign and receive a copy of the report before the inspector leaves the site.

(6) *Enforcement.* The City Engineer agency shall notify the on-site personnel or the owner/developer when deficiencies are observed, describing the nature of the deficiency, the agreed upon corrective action, and the time period in which to have the deficiency corrected. If after a reasonable amount of time for voluntary compliance, the corrective actions are not undertaken to the satisfaction of the City, the City may issue a Notice of Violation pursuant to Dublin City codes Section 153 and proceed with other enforcement remedies as provided by this and other applicable provisions of the Dublin City Codes. Where the violations and/or deficiencies represent an immediate and substantial threat to the public health, safety or welfare, the City may immediately proceed with enforcement remedies as provided by Dublin City Codes Section 153 and other applicable provisions of the Dublin City Codes.

(E) *Record Keeping.* The applicant shall maintain for three (3) years following final stabilization the results of these inspections, the names and qualifications of personnel making the inspections, the dates of inspections, major observations relating to the implementation of the erosion and sediment control plan, a certification stating whether the facility is in compliance with the ESC plan, and information on any incidents of non-compliance determined by these inspections.

§ 53.999 PENALTY.

(A) Whoever violates any provisions of this chapter is guilty of an unclassified misdemeanor with a maximum fine of $2,500 and/or six months in jail with each day of violation as a separate offense.

Exhibit "A"

CHAPTER 53: STORMWATER MANAGEMENT AND STREAM PROTECTION

Section

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§ 53.010 PURPOSE.

(A) A chapter regulating stormwater from areas of new development and redevelopment for the purpose of protecting the public health, safety, and welfare; defining appropriate stormwater ~~management objectives~~control measures for the quantity and quality of stormwater runoff in the city; providing for waivers; providing requirements for the protection of water resources; imposing application fees and procedures; requiring adherence to the plans approved by the City Engineer; providing for maintenance; and providing for enforcement and penalties for violation.

(B) In order to protect, maintain, and enhance both the immediate and the long-term health, safety, and general welfare of the citizens of Dublin, it is the intent of the city to enact this chapter so as to accomplish the following objectives:

(1) To prevent loss of life and loss of property due to flooding;

(2) To protect, restore, and maintain the chemical, physical, and biological quality of ground and surface waters;

(3) To encourage productive and enjoyable harmony between humanity and nature thus enhancing the scenic beauty and environment of the City;

(4) To prevent individuals, business entities, and governmental entities from causing harm to the community by activities which adversely affect water resources;

5) To encourage the protection of natural systems, including groundwater and the use of those natural systems in ways which do not impair their beneficial functioning;

(6) To assist in stabilizing the banks of streams to reduce bank erosion and the downstream transport of sediments eroded from watercourse banks;

(7) To provide areas for natural meandering and lateral movement of stream channels;

(8) To minimize the transport of sediments and pollutants to surface water and groundwater;

(9) To provide high quality stream habitats with shade and food to a wide array of wildlife by maintaining diverse and connected riparian vegetation;

(10) To provide economical benefits to the city by minimizing encroachment on stream channels and reducing the need for costly engineering solutions such as dams and riprap;

(11) To protect structures and reduce property damage and threats to the safety of watershed residents;

(12)To add to the quality of life of the residents of the City of Dublin and corresponding property values;

(13)To ensure the attainment of these objectives by requiring the approval and implementation of stormwater management plans for all activities which may have an adverse impact upon groundwater and surface water.

§ 53.020 SHORT TITLE.

This chapter shall be known and cited as the Stormwater Management and Stream Protection chapter, hereinafter referred to as the stormwater regulations.

§ 53.030 JURISDICTION.

The stormwater regulations shall apply in all areas within the development jurisdiction of the city.

§ 53.040 DEFINITIONS.

For the purpose of the stormwater regulations, the following terms, phrases, and definitions shall apply. Words used in the singular shall include the plural, and the plural, the singular. Words used in the present tense shall include the future tense. The word ***SHALL*** is mandatory and not discretionary. The word ***MAY*** is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined by the latest edition of Webster's Dictionary.

AGRICULTURE. The art or science of cultivating the ground, including the harvesting of crops, and the rearing and management of live stock; farming.

APPLICANT. Any person or duly designated representative applying for a permit or other type of city, federal, or state regulatory approval to proceed with a project.

AS-BUILT PLANS. The final plans amended to include all locations, dimensions, elevations, capacities, capabilities, as actually constructed and installed.

BEST MANAGEMENT PRACTICES (BMPs). Schedules of activities, prohibition of practices, maintenance procedures, and other management practices (both structural and non-structural) to prevent or reduce the pollution of waters. BMP's also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BLUE-LINE STREAM. Those streams shown on USGS 7.5' Quad maps with solid or dashed blue lines.

CLEARING. The removal of trees, brush, and other ground cover from a part of the land, but shall not include mowing.

COMPENSATING STORAGE. Equivalent floodplain storage provided to counterbalance floodplain filling.

CONSERVATION. The wise use and management of natural resources.

CONSTRUCTION. The erection, alteration, repair, renovation, demolition or removal of any building or structure; and the clearing, stripping, excavating, filling, grading, and regulation of sites with connection therewith.

CONSTRUCTION ENTRANCE. The permitted points of ingress and egress to construction sites regulated under this regulation which reduce the mud, dust and dirt tracked out of the site.

DAMAGED OR DISEASED TREES: Trees that have split trunk, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, lean as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.

DENUDE. The act of stripping, scraping, and/or scalping a site of vegetation, thus exposing bare soil.

DETENTION or ***TO DETAIN.*** The retardance of, or to retard or slow, the discharge, directly or indirectly, of a given volume of stormwater runoff into surface waters in a facility that does not contain a permanent or normal pool of water.

DEVELOPER. Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect the development of land for himself or for another.

DEVELOPMENT AREA. Any contiguous (abutting) area owned by one or more person(s) or developed as a single phase or multiple phases (units) and used or being developed or redeveloped, for non-farm commercial, industrial, residential, or other non-farm purposes upon which earth-disturbing activities are planned or underway.

DEVELOPMENT or ***DEVELOPMENT ACTIVITY.*** The alteration, construction, installation, demolition or removal of a structure, impervious surface or drainage facility; or clearing, scraping, grubbing, killing or otherwise removing the vegetation from a site; or adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise significantly disturbing the soil, mud, sand or rock of a site. ~~For the purposes of this ordinance, this pertains to any development greater than one (1) acre or any size of development if it is part of a larger contiguous development.~~

DISCHARGE. The outflow of water from a project, site, aquifer, drainage basin or facility.

DISTURBED AREA. An area of land subject to erosion due to the removal of vegetative cover and/or other earth disturbing activities.

DITCH. A constructed channel for irrigation or stormwater conveyance.

DRAINAGE. The removal of excess surface water or groundwater from land by surface or subsurface drains.

DRAINAGE AREA. The area of land contributing surface water to a specific point.

DUMPING. Grading, pushing, pilling, throwing, unloading, or placing of fill material, composed of earth, soil, rock, sand, gravel, or demolition material.

EARTH-DISTURBING ACTIVITY. Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.

EASEMENT. A grant by a property owner for the use of a specified portion of land for a specified purpose.

EROSION:

(A) The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep.

(B) Detachment and movement of soil or rock fragments by wind, water, ice or gravity.

(C) Erosion includes:

(1) Accelerated Erosion: erosion much more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.

(2) Floodplain Erosion: abrading and wearing away of the nearly level land situated on either side of a channel due to overflow flooding.

(3) Gully Erosion: a type of erosion caused by concentrated runoff that removes soil such that channels are formed and/or become considerably deeper than what would otherwise result by normal smoothing or tilling operations.

(4) Natural (Geological) Erosion: the wearing away of the earth's surface by water, ice or other natural agents under natural environmental conditions of clime, vegetation, etc., undisturbed by man.

(5) Normal Erosion: the gradual erosion of land used by humans which does not greatly exceed natural erosion.

(6) Rill Erosion: an erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.

(D) Sheet Erosion: the removal of a fairly uniform layer of soil from the land surface by wind or runoff water.

(E) Stream Erosion: erosion of the bank or bottom due to the high velocity of flow within the stream.

EROSION AND SEDIMENT CONTROL. Physical, mineral, procedural, and organic measures to minimize the removal of soil from the land surface and to prevent its transport

from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.

EXEMPTION. Those activities that are not subject to the requirements contained in this regulation.

EXTENDED DRY DETENTION. A drainage facility designed to capture the water quality volume, release 50 percent of it in no less than 16 hours, and the remainder in no less than 32 hours (for a total of 48 hours).

FINAL STABILIZATION. Establishment of a uniform perennial vegetative cover with a density of at least 70% of the cover for the disturbed area, or equivalent stabilization measures (such as the use of mulches or geotextiles) employed after all earth disturbing activities have been completed.

FINSISHED GRADE. The final grade or elevation of the ground surface conforming to the approved site grading plan.

FOREBAYS. Areas located at detention basin inlets that are designed to trap coarse sediment particles by separating approximately ten percent of the extended detention basin volume from the remainder of the basin with a lateral sill, rock-filled gabions, a retaining wall, or horizontal rock filters.

GRADING. The stripping, cutting, filling, stockpiling, or any combination thereof of earth disturbing activities, including land in its cut or filled conditions.

GRUBBING. Any activity which removes or significantly disturbs the root matter within the ground.

GROUNDWATER. Water below the surface of the ground whether or not flowing through known or defined channels.

HYDROGRAPH. A graph of discharge versus time for a selected point in the drainage system.

MAINTENANCE. The action taken to restore or preserve the as-built functional design of any facility or system.

NATURAL SUCCESSION: A gradual and continuous replacement of one kind of plant and animal group by a more complex group. The plants and animals present in the initial group modify the environment through their life activities thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment.

NOXIOUS WEED: Any plant species defined by the Ohio Department of Agriculture as a "noxious weed" and listed as such by the Department. For the purposes of this regulation, the most recent version of this list at the time of application of this regulation shall prevail.

100-YEAR FLOODPLAIN: Any land susceptible to being inundated by water from a base flood, which is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. For the purposes of these regulations, the 100-year floodplain shall be defined and approved by the City Engineer of Dublin or designee.

OPEN CHANNEL. A ditch, channel, swale, or other open conveyance that is not a stream and is used to safely convey stormwater runoff.

ORDINARY HIGH WATER MARK: The point on the bank or shore to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the channel of a stream.

OUTDOOR ACTIVITY AREAS. Areas where pollutants are or may become more concentrated than typical urban runoff as characterized by the USEPA National Urban Runoff Program (NURP), as listed below or otherwise defined by the City Engineer:

(1) Industrial material, waste handling, and storage areas, including but not limited to loading docks, fuel and other liquid storage/dispensing facilities, material bins, containers, stockpiles, and other storage containers, waste dumpsters, bins, cans, tanks, stockpiles, and other waste containers.

(2) Processing, manufacturing, fabrication, cleaning, or other permanent outdoor equipment or work areas.

(3) Areas where vehicles and equipment are repaired, maintained, stored, disassembled, rinsed, cleaned or disposed.

OWNER. The person in whom is vested the fee, ownership, dominion, or title of property (i.e., the proprietor). This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant including a developer.

PARCEL or ***PARCEL OF LAND.*** A contiguous quantity of land in possession or owned by, or recorded as property of the same claimant person as of the effective date of the stormwater regulations.

PERMITTEE. Any person who has been granted a permit to proceed with a project.

PERSON. Any individual, firm, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common business interest, or any other legal entity.

POLLUTION. Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to: public health, safety or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wildlife, including birds, fish or other aquatic life.

POST-DEVELOPMENT. The average conditions as of the completion of the development for which a permit has been applied.

PRE-DEVELOPMENT. The hydrologic and hydraulic condition of the project site immediately before development or construction begins.

PROFESSIONAL ENGINEER. A professional engineer licensed by the State of Ohio, skilled in the practice of civil engineering and the engineer of record for the project under consideration.

PROHIBITED DISCHARGES. Any discharges which are not composed entirely of stormwater unless authorized under a discharge permit issued by the OEPA.

RECHARGE. The inflow of water into an aquifer.

RETENTION or ***TO RETAIN.*** The prevention of, or to prevent, the discharge, directly or indirectly, of a given volume of stormwater runoff into surface waters in a facility that has a permanent or normal pool of water.

RIPARIAN AREA. A transitional area between flowing water and land covered by terrestrial vegetation that provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding. Riparian areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows and/ or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of these regulations.

SEDIMENT. Solid material, both mineral and organic, that is or was in suspension, is being or has been transported, or has been moved from its site of origin by air, water, gravity, or ice, and has come to rest on the earth's surface either above or below water.

SEDIMENT BASIN. Sedimentation control devices such as ponds or traps that are designed to collect concentrated runoff from disturbed areas, settle and retain sediment in the runoff, and discharge the runoff water to a stabilized channel or pipe.

SEDIMENTATION CONTROL DEVICE. Any structure or area which is designed to hold runoff water until suspended sediments have settled.

SINKHOLE. A depression characterized by closed contours on a topographic map.

SITE. Any lot or parcel, or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership where clearing, stripping, grading or excavating is performed.

STABILIZATION. The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.

STORM EVENT. The storm of a specific duration, intensity, and frequency.

STORMWATER or ***RUNOFF.*** Refers to the flow of water which results from, and which occurs during and immediately following a rainfall event.

STORMWATER CONTROL MEASURES. Can also be known as BMPs, but here it is used to describe the allowable methodologies for handling stormwater quantity and quality control as outlined in our stormwater design manual.

STORMWATER FACILITY. Any natural or constructed component of the stormwater management system.

STORMWATER MANAGEMENT PLAN. Refers to the approved detailed analysis, design, and drawings of the stormwater management system, including erosion and sediment controls and other management practices and stormwater control measures for construction activities, required for all construction.

STORMWATER MANAGEMENT SYSTEM. All natural and constructed stormwater control measures ~~facilities~~ used for the conveyance, cleaning and storage of stormwater through and from a drainage area, including, but not limited to, any and all of the following: channels, ditches, swales, flumes, culverts, streets, streams, watercourses, waterbodies, wetlands detention/retention facilities, and treatment devices.

STORMWATER MASTER PLAN. The technical and policy manuals and any subsequent updates or amendments thereto used by the City Engineer to administer the stormwater regulations.

STORMWATER QUALITY. Any liquid, solid, or semi-solid substance, or combination thereof, that enters stormwater runoff in concentrations or quantities large enough to contribute to the degradation of the beneficial uses of the body of water receiving the discharge.

STORMWATER QUALITY TREATMENT. The removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.

STREAM. A channel having a well-defined bed and bank, either natural or artificial which confines and conducts continuous or periodic flowing water in such a way that terrestrial vegetation cannot establish roots within the streambed. Includes intermittent, ephemeral and perennial streams and streams identified by USGS or NRCS maps.

STREAM CORRIDOR PROTECTION ZONE (SCPZ). The area set back along a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. SCPZs are those lands within the City of Dublin that fall within the area defined by the criteria set forth in these regulations.

STRIPPING. Any activity which removes or significantly disturbs the vegetative surface cover.

STRUCTURE. Anything constructed or installed with a fixed location on the ground, or attached to something having a fixed location on the ground.

SUBGRADE. The top elevation of graded and compacted earth underlying roadway pavement.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would be equal to, or would exceed, 50% of the market value of the structure before the damage occurred.

SWALE. An artificial or natural waterway which may contain contiguous areas of standing or flowing water only following a rainfall event, or is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake, or is designed to take into account the soil erodibility, soil percolation, slope, slope length, and contributing area so as to prevent erosion and reduce the pollutant concentration of any discharge. Also see definitions for Open Channel and Ditch.

TAILWATER. The water into which a spillway or outfall discharges.

TEMPORARY SOIL EROSION AND SEDIMENT CONTROL MEASURES. Interim control measures installed or constructed to control soil erosion until permanent soil erosion control measures are established.

TERRESTRIAL VEGETATION. Upland vegetation and facultative upland vegetation, as defined in the National Wetland Plant List.

TOPSOIL. Surface and upper surface soils which presumably are darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.

WAIVER. A permit of conditional exemption from the regulation in part or in whole, as specified by the approving agent, in a formal written statement. A waiver from the regulation shall not be assumed to be in effect, without the expressed written statement from the City.

WATERBODY or RECEIVING WATERS. Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline and into which surface waters flow.

WATERCOURSE. Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, drainageways, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course, either continuously or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.

WETLANDS. Those areas that are inundated or saturated by surface or groundwater with a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

WORKS. All artificial structures, including, but not limited to, canals, ditches, swales, conduits, channels, culverts, pipes, and other construction that connects to, draws water from, drains water into, or is placed in or across the waters in the state.

§ 53.050 AUTHORITY.

The City Engineer is hereby authorized to administer the stormwater regulations. The City Engineer shall maintain and update this Stormwater Management and Stream Protection Ordinance and recommend to City Council for adoption modifications in this Stormwater Management and Stream Protection Ordinance. The City Engineer shall also develop and maintain a Stormwater Master Plan, administrative procedures, detailed design studies or procedures to reflect new construction (including building additions), and/or engineering design technology necessary to administer this Ordinance.

§ 53.060 REQUIRED APPROVALS.

(A) The requirements of the stormwater regulations shall be implemented, and shall be satisfied completely, prior to final project approval by the City Engineer. No person shall conduct any development activity, or subdivide or make any change in the use of land, or construct any stormwater management system or structure, or change the size of an existing structure or system, except as may be exempted in § 53.070 hereof.

(B) Any construction plans, specifications, building permits, or other documents approved by the City Engineer shall be constructed in accordance with all applicable state or federal permit requirements of the Ohio Environmental Protection Agency (OEPA), Ohio Department of Natural Resources (ODNR) and/or U.S. Army Corps of Engineers. No construction activity shall commence prior to obtaining applicable permits from these agencies.

§ 53.070 EXEMPTIONS.

With the approval of the City Engineer, the following activities may be exempted from on-site stormwater runoff control. An exemption shall apply only to the requirement for on-site stormwater detention or retention facilities. All other design elements such as the storm sewer system, road culverts, erosion and sedimentation control, and runoff quality (unless otherwise exempted) shall not be exempted.

(A) *Emergency exemption.* Emergency maintenance work performed for the protection of public health and welfare, however, if the earth-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the City.

(B) *Maintenance exemption.* Any maintenance to an existing system made in accordance with plans and specifications approved by the City Engineer.

(C) *Development-related exemptions.* The applicant shall provide to the City Engineer in writing a request for exemption which shall include a scaled site map, property tax number, and street address if applicable.

(1) Single-family or duplex exemption. Single-family or duplex residential construction on a single lot that is not part of a larger common plan of development.

(2) Any construction which adds less than ~~500~~2,000 square feet through expansion of a building, structure or pavement which results in new impervious area on a project site.

(3) It is conceivable that development situations not automatically subject to exemption may exist such that development will have none of the harmful effects of sediment deposition. Such development situations, subject to City concurrence, are eligible for a waiver from this regulation. Waiver Requests shall be made in writing to the City Engineer and shall include sufficient detail to support that granting a wavier will not be detrimental to abutting properties or to watercourses, public waters, or to the sewer System.

(D) *Scioto River Corridor Exemption.* Parcels that are located between State Route 745 (Dublin Road) and State Route 257 (Riverside Drive) which are directly tributary to the Scioto River
~~The City has established exemptions to Stormwater Management Requirements due to their location within the Bridge Street District. The applicant needs to review Table 2-1 and Figure 2-1 in the current version of the City's Stormwater Management Design Manual to determine the requirement that needs to be followed for the development.~~

~~(D)~~(E) *Bridge Street District Exemption.* The City has established exemptions to Stormwater Management Requirements due to parcel location within the Bridge Street District. The applicant needs to review ~~Table 2-1 and Figure 2-1 in t~~the current version of the City's Stormwater Management Design Manual to determine the requirement that needs to be followed for their proposed development.

~~(E)~~(F) Regular farming activities on land intended for such use, except when these activities involve practices which increase storm water runoff and exacerbate erosion and sedimentation.

~~(F)~~(G) Tilling, planting or harvesting of agricultural, horticultural, or forest crops that employ soil conservations related to agriculture as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, and land drainage and land irrigation which does not cause an increase in storm water runoff and does not exacerbate erosion and sedimentation.

~~(G)~~(H) Minor earth-disturbing activities such as home gardens and individual home landscaping, repairs, service connections and maintenance work.

~~(H)~~(I) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk (provided the earth-disturbing activity is confined to the area of the road, street or sidewalk that is

hard surfaced), and does not involve dewatering operations that produce sediment-laden effluent discharging to surface-lands and/or surface-waters.

~~(I)~~(J) Septic tank lines or drainage fields unless included in an overall plan for earth-disturbing activity relating to the construction of the building to be served by the septic tank system.

~~(J)~~(K) Repair or rebuilding of the tracks with-in the right-of-way of a railroad company.

~~(K)~~(L) *Stream Corridor Protection Zone.* Stream corridor protection zones are not required if a Preliminary Plan has already been approved for a site at the time this ordinance is passed.

~~(L)~~(M) *Historic Dublin.* Development within this area, as defined in the Zoning Code, shall be exempt from compliance with the City's storm water quantity regulations but shall be held in compliance with the City's storm water quality regulations, described in § 53.090, if the construction activities disturb one (1) or more acres of total land.

§ 53.080 GENERAL REQUIREMENTS.

(A) A stormwater management system shall be designed and installed for the development that will contain features to provide for flood protection, erosion control, and pollution abatement. The stormwater management system design shall conform to the Stormwater Design Standards contained in § 53.090 hereof, the Stormwater Master Plan and other standards specified by the City Engineer. The intent of these design standards is to encourage environmentally sound stormwater management practices; they should go beyond providing drainage facilities. Developments that sacrifice recharge and upland controls in order to maximize the number of lots will not be allowed. The city's stormwater management perspective includes the management of both water quantity and water quality. Stormwater management design shall blend into the natural environment and be aesthetically integrated into site design.

(B) Streams and wetlands subject to protection under Section 404 of the Clean Water Act shall be protected from the impacts of development. Setbacks from streams and wetlands shall be established and regulated to protect structures from flooding and erosion as well as to maintain water quality within the stream and wetland. The stormwater system design shall ensure that the quantity and quality of stormwater flows directed to these stream and wetlands are maintained as previous to development. Constructed wetlands (including bio-retention basins) shall be considered subject to these requirements. Existing wetlands shall not be used for stormwater management or stormwater runoff quality treatment.

(C) All development activity within a special flood hazard area designated by the Federal Emergency Management Agency (FEMA) or any other area as designated by the City Engineer shall comply with Chapter 151 of the Dublin Code of Ordinances. All development shall be designed to maintain the flood carrying capacity of the floodway such that the base flood elevations are not increased, either upstream or downstream. Furthermore, no fill shall be allowed to be placed in the 100-year floodplain without an equivalent volume of soil

removed to compensate for the loss of the flood storage as defined in §53.200 (G) of this regulation.

(D) The stormwater management system shall not create an adverse impact on stormwater quantity or quality in either upstream or downstream areas. Offsite areas which discharge to or across a site proposed for development shall be accommodated in the stormwater management plans for the development. No stormwater management plan shall be approved until it is demonstrated that the runoff from the project shall not overload or otherwise adversely impact any downstream areas.

(E) All proposed stormwater management systems shall be designed to prevent the pollution of groundwater resources by stormwater, promote safety, minimize health hazards, preserve natural features, and provide for recharge where appropriate. Neither submission of a plan under the provision herein nor compliance with the provisions of these regulations shall relieve any person from responsibility for damage to any person or property otherwise imposed by law.

(F) Where deemed necessary by the City Engineer, the applicant shall construct storm drains to handle on-site runoff; provide on-site drainage easements; provide off-site drainage easements; and provide for the conveyance of off-site runoff to an acceptable outlet in the same watershed. However, the on-site drainage easements may not encroach on required perimeter landscaping.

(G) Guidance on stream corridor protection zones (SCPZ) shall be referenced from § 53.200.

(H) Illicit discharges shall not be permitted. Any natural or man-made conveyance or drainage system, pipeline, conduit, inlet, or outlet (including natural surface flow patterns, depressions or channels traversing one or more properties) through which the discharge of any pollutant (including illegal sanitary sewer connections) to the stormwater management system shall not occur unless the connection is authorized under a discharge permit issued by the OEPA.

§ 53.090 STORMWATER DESIGN STANDARDS.

(A) *General.* The City Engineer shall develop and maintain administrative policies and manuals that define accepted design practices, procedures, and guidance materials that shall be used to satisfy the City's stormwater regulations.

§ 53.100 DEDICATION OF EASEMENTS AND RIGHTS-OF-WAY.

(A) Drainage easements or rights-of-ways, as specified in the Stormwater Design Standards, shall be conveyed by the applicant at no expense to the city for the stormwater facilities within the development.

(B) When a proposed stormwater management system will carry water across private land outside the development, the offsite drainage easements as specified in the Stormwater Design Standards shall be secured by the owner or applicant.

(C) When a development is bifurcated by a stream, wetland or watercourse, the applicant shall provide a drainage easement or right-of-way conforming substantially to the lines of such watercourse or open channel, which shall be a minimum width, as specified in § 53.200.

(D) Easements and rights-of-way shall include suitable access as specified herein for maintenance equipment from public rights-of-ways.

(E) All drainage easements, both on-site and offsite, shall be recorded on a final plat or a separate recorded document approved by the city. Recording costs shall be the responsibility of the Applicant. Recorded easements and rights-of-way documents shall be returned to the City's Finance Department.

(F) Outfall ditches, channels, and detention/retention facilities shall have sufficient rights-of-way and/or easements for the facility plus an unobstructed maintenance accessway on one or both sides. Said rights-of-way and/or easements shall be contiguous to public right-of-way or easement and shall allow for suitable access by maintenance equipment. Where the right-of-way and/or easement is provided for access only, the minimum width shall be as follows:

Ditch or Channel Top of Bank Width	**Minimum Maintenance Accessway Required**
Less than 16 feet	20 feet on one side
16 feet to 32 feet	20 feet on both sides
32 feet to 55 feet	20 feet on one side and 30 feet on the opposite side
Over 55 feet	30 feet on both sides

(G) Maintenance accessways shall be sloped no steeper than 1/4-inch per foot. Ponds shall have a sufficient right-of-way/easement to allow for installation plus an unobstructed maintenance accessways all around the perimeter of the pond.

(H) A 20-foot easement centered on a storm sewer shall be conveyed to the City when the storm sewer is not located within dedicated rights-of-way. Easements shall be contiguous to public rights-of-way and shall allow for suitable access by maintenance equipment.

(I) Overland flood routing paths shall be used to convey stormwater runoff from the 100-year, 24-hour storm event to an adequate receiving water body, stormwater system or stormwater detention basin such that the runoff is contained within the drainage easement for the flood routing path and does not cause flooding of residential or commercial buildings or related structures. Flood routing paths shall be evaluated using the peak 100 year water surface elevation such that it lies at least one foot below the finished floor elevation of adjoining structures. When designing the flood routing paths, the conveyance capacity of the site's storm sewers shall be taken into consideration.

~~Penalty, see § 53.999~~

§ 53.110 STORMWATER MANAGEMENT PLAN.

(A) A Stormwater Management Plan and Erosion and Sediment Control Plan shall be submitted for review and approval by the City Engineer. Details regarding the contents of the documents will be created and maintained by the City Engineer in a manual or administrative policy.

§ 53.120 STORMWATER MANAGEMENT PLAN APPLICATION.

(A) It is strongly recommended that the applicant and the project engineer meet with city staff prior to generating detailed design calculations and construction drawings in order to review and plan design requirements for a particular project. This application is not a separate submittal from the stormwater management plan requirements outlined in Section 53.110.

(B) It is the responsibility of the applicant to include in the stormwater management plan application sufficient information for the city to evaluate:

(1) The environmental and hydraulic characteristics of the affected areas;

(2) The potential and predicted impacts of the proposed activity on community waters;

(3) The effectiveness and acceptability of those measures proposed by the applicant for eliminating or reducing adverse impacts; and

(C) The stormwater management plan application shall contain:

(1) The name, address, and telephone number of the owner and applicant, and the entity that will maintain the system;

(2) The maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to support references, as appropriate to communicate the information required by this chapter; and

(3) Construction plans and specifications for all components of the stormwater management system shall be included in the stormwater management plan application, which shall be prepared or directly supervised by, signed, and sealed by a professional engineer.

§ 53.130 ACCEPTANCE OF STORMWATER IMPROVEMENTS.

Subsequent to the applicant satisfying the requirements of the stormwater regulations and other applicable ordinances, and the issuances of appropriate permits and/or approvals, the applicant shall, during construction, arrange for and schedule the following inspections by the city.

(A) During the clearing operation, excavation, after significant rainfall, and at other times determined by the City Engineer, to assure that effective control practices relative to erosion and sedimentation are being followed.

(B) All public underground conveyance and control structures prior to backfilling, and all taps of private underground conveyance systems into public conveyance systems.

(C) Final inspection when all public systems required under the approved stormwater management plan have been installed.

(D) The professional engineer for the project shall submit a signed and sealed set of as-built plans, on electronic disk and reproducible mylar brand polyester film drawing sheets, to certify the system has been constructed as designed and satisfies all conditions of the stormwater management plan. Where changes have been made to the stormwater management system which deviate from the approved construction plans, the Professional Engineer shall submit supporting documentation with the as-built plans, which proves that the stormwater system shall be in compliance with the stormwater regulations.

(E) Maintenance and compliance inspections of stormwater management systems shall be conducted on a routine, periodic basis, as deemed appropriate by the city, or as complaints arise concerning the system. By seeking and obtaining plan approval under the stormwater regulations, the operator and owner shall be deemed to have consented to inspections by the city and other appropriate regulatory agencies or departments upon presentation of proper identification by the representative(s) of the agency(ies) conducting the inspections.

(F) Public improvements. Public stormwater conveyance and control systems may be accepted for public use after the following minimum conditions have been met:

(1) The applicant shall provide to the City Engineer security according to § 152.045 of the Dublin Code of Ordinances;

(2) The applicant shall provide to the City Engineer as-built plans according to § 53.130(D) of the stormwater regulations; and

(3) The as-built plans have been reviewed and approved by the City Engineer.

(G) Private improvements. Private stormwater conveyance and control systems may be approved for use after the following minimum conditions have been met:

(1) The applicant shall provide to the City Engineer as-built plans according to § 53.130(D) of the stormwater regulations; and

(2) The as-built plans have been reviewed and approved by the City Engineer. It shall not be legal to use the property (as opposed to the structure) until the as-built plans have been received and approved by the City Engineer and the stormwater improvements have been completed as shown on the approved as-built plans.

§ 53.140 MAINTENANCE RESPONSIBILITY.

(A) The installed stormwater system shall be properly maintained and operated by the legal entity responsible for maintenance in order to achieve compliance with the conditions outlined in this ordinance. All stormwater management plan applications shall contain documentation sufficient to demonstrate that the operation and maintenance entity is the legal entity empowered and obligated to perpetually maintain the stormwater management facilities. Details of this documentation, including maintenance responsibilities and agreements, shall be included in the Notes section of development plans and where applicable on the final plats. Final plats shall be recorded in Delaware, Franklin, or Union County at no expense to the City and shall constitute a covenant running with the land and shall be binding on the legal entity responsible for maintenance. Where final plats are not recorded, stormwater management plan and development plan documentation regarding obligations to perpetually maintain stormwater management facilities shall be maintained by the City Engineer. The city considers the following entities acceptable to operate and maintain stormwater management facilities:

(1) Local governmental units, including the county, municipalities, or Municipal Service Taxing Units.

(2) Non-profit corporations, including homeowners associations, property owners associations or condominium owners associations, under certain conditions which ensure that the corporation has the financial, legal, and administrative capability to provide for the long-term operation and maintenance of the facilities.

(3) The property owner or developer is normally not acceptable as a responsible entity, especially when the property is to be sold to various third parties. However, the property owner or developer may be acceptable under one of the following circumstances provided the maintenance requirements are described in a document that has been submitted to the City:

(a) The property is wholly owned by said applicant and the ownership is intended to be retained. This would apply to a farm, corporate office, or single industrial facility, for example.

(b) The ownership of the property is retained by the applicant and is either leased to third parties (such as in some shopping centers), or rented to third parties (such as in some mobile home parks), for example.

(B) The stormwater management system shall be maintained by the legal entity. Public improvements shall have adequate easements, in accordance with § 53.100 hereof, to permit the city to inspect, and if necessary, to take corrective action should the legal entity fail to maintain the system properly. The City maintains the right to assess costs of labor and materials for such corrective action to the responsible party in accordance with usual and customary costs in place at the time of action.

(C) Maintenance of stormwater facilities shall allow the stormwater management system to perform as originally designed and permitted by the city and other appropriate governmental agencies and as set forth in the written plan.

(D) Maintenance shall include compliance with city building and construction codes, and all other applicable codes.

§ 53.150 ENFORCEMENT.

Guidance on enforcement of this ordinance, including those responsibilities agreed to under the maintenance agreements, shall be referenced in Section 153 of the Zoning Code. If at any time the City Engineer determines that the project is not in accordance with the approved plan, or if any project subject to the stormwater regulations is being carried out without an approved plan, the City Engineer is authorized to:

(A) Give the legal entity written notice of the corrective action required to be taken. Should the legal entity fail within 30 days of the date of the notice to complete such corrective action, the City Engineer may enter upon the property, and take the necessary corrective action and assess fees for such action to the violator. If fees are not paid by the violator at the time the service is provided, the City has the right to pursue collection of fees through certification to the County Auditor, remittance to a collection service, or any other appropriate pursuit for payment.

(B) Take appropriate corrective action in the event of an emergency situation which endangers persons or property, or both, as determined to exist by the City Engineer.

(C) Issue written notice to the applicant specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance within five working days.

(D) Issue a stop-work order directing the applicant or persons in possession to cease and desist all or any portion of the work which violates the provisions of the stormwater regulations if the remedial work is not completed within the specified time. The applicant shall then bring the project into compliance.

§ 53.200 ESTABLISHMENT OF A STREAM CORRIDOR PROTECTION ZONE.

(A) Stream Corridor Protection Zones (SCPZs) are established as provided in this section.

(B) Streams addressed by this ordinance are those that meet the definition of "stream" in Section 53.040 of these regulations.

(C) The SCPZ width shall be the width of the FEMA-designated 100-year flood~~way plus 20 feet~~plain, or in areas where a FEMA-designated 100 year flood~~way plain~~ has not been designated, a width defined by the following according to the contributing drainage area:

MINIMUM SCPZ WIDTH

Exhibit "A"

BY CONTRIBUTING DRAINAGE AREA OF STREAM	
Contributing Drainage Area (ac)	**SCPZ Width (ft)**
<100	25
101-250	38
251-500	50
501-800	63
801-1200	75
1201-2000	88
>2000	100

In most instances the calculated stream corridor protection zone shall be placed at the ordinary high water mark on each side of the channel and extend outward. This will result in a total SCPZ width of two times the minimum SCPZ width (stated in the guidance table above) plus the width of the stream. However, individual site conditions including, but not limited to, topography and slope must be considered when determining the precise location of the stream corridor protection zone and shall be left to the City's discretion.

(D) The width of the SCPZ may be extended to include slopes that are greater than 15% and begin at a point within the SCPZ. The maximum width of the SCPZ extension shall be to the top of the slope or to a point up slope, as measured horizontally, where the width of the SCPZ is doubled, whichever is less. Slope protection widths may be extended beyond these limits at the City's discretion on a case-by-case basis.

(E) The following are exempt from the terms and protection of this ordinance: grassy swales, drainage ditches created at the time of a subdivision to convey stormwater water to another system, tile drainage systems, and stream culverts.

(F) The following shall apply to the SCPZ:

(1) The width of the SCPZ shall be measured in a horizontal direction outward from the ordinary high water mark of each designated watercourse.

(2) Except as otherwise provided in this regulation, SCPZs shall be preserved in their natural state.

(3) The applicant shall be responsible for determining if jurisdictional wetlands have been identified within any proposed development site. Where existing wetlands protected under federal or state law are identified within the SCPZ, the SCPZ shall consist of the full extent of the wetlands plus any additional setback distance mandated by state or federal permit.

(4) The applicant shall be responsible for delineating a rough layout of the SCPZ, including any expansions or modifications as required by B through D of this section, and identifying this setback on all preliminary subdivision or land development plans, and/or building permit applications. Final development plans shall delineate the SCZP by a metes and bounds survey. This final delineation shall be subject to review and approval by the City Engineer or designee. As the result of this review, the Engineer or designee may require further studies from the applicant.

(5) Prior to any earth-disturbing activity, the SCPZ shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be maintained throughout earth-disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed.

(6) If earth-disturbing activities will occur within 50 feet of the outer boundary of the SCPZ, the SCPZ shall be clearly delineated by the applicant on site with construction fencing, and such delineation shall be maintained throughout earth-disturbing activities.

(7) No approvals or permits shall be issued by the City Engineer or designee prior to delineation of the SCPZ in conformance with these regulations.

(8) Upon completion of an approved subdivision, the SCPZ shall be permanently recorded on the plat records for the City of Dublin.

(G) In order to preserve floodplain storage volumes and thereby avoid increases in water surface elevations along FEMA regulated streams, filling within FEMA delineated 100-year floodplains may only occur outside of the floodway plus 20 feet- and must be compensated by removing an equivalent volume of material. Compensating storage shall be determined by the volume of material removed above the ordinary high water table and below the 100-year flood elevation established for that area. Compensating storage shall be provided within the legal boundaries of the development. No stormwater management facilities required by the City shall be permitted in the floodplain unless, at City's discretion, the applicant demonstrates that it does not remove floodplain storage when operating at its design capacity. First consideration for the location(s) of compensatory floodplain volumes should be given to areas where the stream channel will have immediate access to the new floodplain within the limits of the development site. Embankment slopes used in compensatory storage areas must reasonably conform to the natural slopes adjacent to the disturbed area. The use of vertical retaining structures is specifically prohibited.

(H) Degraded SCPZs shall be re-graded and re-vegetated such that riparian habitat is recovered and the streambank stabilized in a manner suitable for the native site conditions.

(I) *Stream Relocation*

(1) Streams may be relocated if the applicant's design demonstrates, to the satisfaction of the City, that the following criteria are met:

(a) Maintain or improve geomorphic stability.

(b) Maintain or improve flood storage capacity.

(c) Maintain or lower regulatory flood water surface elevations.

(d) Enhance aquatic and riparian habitats.

(e) Provide increased recreational opportunities.

(f) Produce zero or positive impacts on water and land resources.

(g) Minimize operations and maintenance requirements.

(h) Maximize safety conditions.

(2) The project's design shall be performed by a qualified Professional Engineer with experience in fluvial geomorphology.

(3) If floodplain boundaries change as a result of the relocation, the requirements of Chapter 151:Flood Control become applicable.

(J) SCPZ's shall be clearly delineated on preliminary development plans, final plats, final development plans final construction drawings, building permit site plans and stormwater management plans. Final plats or applicable portions of the final development plan documentation shall be recorded in Franklin, Delaware, or Union County at no expense to the City and shall constitute a covenant running with the land.

§ 53.210 USES PERMITTED IN THE STREAM CORRIDOR PROTECTION ZONE.

(A) Open space uses that are passive in character shall be permitted in the SCPZ including, but not limited to, those listed in 1 through 3 of this section. No use permitted under these regulations shall be construed as allowing trespass on privately held lands. Alteration of this natural area is strictly limited. Except as otherwise provided in these regulations, the SCPZ shall be preserved in its natural state.

(1) Recreational Activity. Passive recreational uses, as permitted by federal, state, and local laws, such as hiking, non-motorized bicycling, fishing, hunting, picnicking and similar uses and associated structures including boardwalks, pathways constructed of pervious material, picnic tables, playground equipment, athletic fields, and wildlife viewing areas.

(2) Removal of Damaged or Diseased Trees. Damaged or diseased trees may be removed. Because of the potential for felled logs and branches to damage downstream properties and/or block ditches or otherwise exacerbate flooding, logs and branches resulting from the removal of damaged or diseased trees that are greater than 6 inches in diameter, shall be anchored to the shore or removed from the 100-year floodplain.

(3) Re-vegetation and/or Reforestation. The re-vegetation and/or reforestation of the SCPZ shall be allowed without approval of the City Engineer or designee.

(B) Projects involving public utilities, transportation infrastructure, stormwater management, stream bank stabilization, or other projects where an environmental and public benefit is provided (including excavation for providing compensatory floodplain volume immediately adjacent to the channel) may be permitted within the SCPZ once the design has been approved by the City Engineer and/or all other applicable review authorities.

(C) Disturbances within the SCPZ (including provision of compensatory floodplain storage adjacent to the stream) as a result of a permitted use must be mitigated through re-vegetation/reforestation.

(D) Crossings of streams and SCPZs for roadways shall be minimized. Crossings shall be approved at the discretion of the City Engineer if the applicant can demonstrate that alternative roadway locations are infeasible and that disturbances within the SCPZ will be minimized and mitigated.

§ 53.220 USES PROHIBITED IN THE STREAM CORRIDOR PROTECTION ZONE.

The following uses are specifically prohibited within the SCPZ:

(A) Construction. There shall be no structures of any kind, except as permitted under these regulations.

(B) Dredging or Dumping. There shall be no drilling, filling, dredging, excavation, or dumping of soil, spoils, liquid, or solid materials, except for noncommercial composting of uncontaminated natural materials and except as permitted under this regulation.

(C) Roads or Driveways. There shall be no roads or driveways, except as permitted under these regulations.

(D) Motorized Vehicles. There shall be no use of motorized vehicles of any kind, except as permitted under these regulations.

(E) Disturbance of Natural Vegetation. There shall be no disturbance of natural vegetation within the SCPZ except for the following:

(1) Maintenance of lawns, landscaping, shrubbery, or trees existing at the time of passage of this regulation.

(2) Cultivation of lawns, landscaping, shrubbery, or trees in accordance with an approved Landscaping Plan submitted in conformance with this regulation.

(3) Conservation measures designed to remove damaged or diseased trees or to control noxious weeds or invasive species.

(F) Nothing in this section shall be construed as requiring a landowner to plant or undertake any other activities in the SCPZ provided the landowner allows for natural succession.

(G) Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles. There shall be no parking spaces, parking lots, or loading/unloading spaces.

(H) New surface and/or subsurface sewage disposal or treatment area. SCPZs shall not be used for the disposal or treatment of sewage except for:

(1) Undeveloped parcels that have received site evaluation approval and / or permit approval prior to the enactment of this ordinance.

(2) Dwellings served by disposal / treatment systems existing at the time of passage of these regulations when such systems are properly sited (approved site evaluation) and permitted or in accordance with the Delaware, Franklin, or Union County Health Department and / or the Ohio Environmental Protection Agency. Existing failing systems which are located within the SCPZ can be upgraded with approval of the Franklin County Health Department and / or the Ohio Environmental Protection Agency.

(I) Fences and Walls. There shall be no fences or walls.

(J) Agriculture. There shall be no agricultural activities.

(K) Industry/commercial business. There shall be no industrial or commercial businesses operated.

(L) Ditching/diking. There shall be no ditching or diking of soil in order to convey water.

(M) Removal of topsoil, sand, gravel, rock, native ground cover/vegetation, oil or gas. There shall be no removal of any of these substances nor any other change in topography other than what is caused by natural forces (with the exception of permitted uses or as approved by the City Engineer).

(N) Herbicides/ pesticides. There shall be no use of herbicides or pesticides except as approved by the City Engineer.

§ 53.230 FACILITIES PROHIBITED IN THE STREAM CORRIDOR PROTECTION ZONE.

The following facilities are prohibited within the SCPZ:

(A) Buildings/structures;

(B) Swimming pools;

(C) Signs;

(D) Billboards;

(E) Utility lines or pipes (with the exception of necessary public sanitary, water, stormwater and public utility transmission lines as approved by the City);

(F) Electric lines (with the exception of transmission lines);

(G) Telecommunications lines (with the exception of transmission lines);

(H) Cable TV lines

(I) Stormwater management facilities; and

(J) Other improvements deemed unacceptable to the City.

§ 53.240 NON-CONFORMING STRUCTURES OR USES IN THE STREAM CORRIDOR PROTECTION ZONE.

(A) Non-conforming structures and uses within the SCPZ, existing at the time of passage of these regulations, that are not permitted under these regulations may be continued but shall not be expanded, changed or enlarged except as set forth in this title.

(B) If damaged, destroyed, terminated or abandoned, these structures or uses may be repaired or restored within six months from the date of damage /destruction or the adoption of these regulations, whichever is later, at the property owners own risk.

(C) A residential structure or use within the SCPZ existing at the time of passage of these regulations may be expanded subject to the following provisions:

(1) The expansion conforms to existing zoning regulations.

(2) The expansion must not impact the stream channel or the floodway plus 20 feet limit.

(3) The expansion must not exceed an area of 15% of the footprint of the existing structure (or use) that lies within the SCPZ. Expansions exceeding 15% of the footprint within the SCPZ must be obtained through the variance process.

(D) Non-residential structure (or use) expansions will be permitted only through the variance process.

§ 53.250 INSPECTION OF STREAM CORRIDOR PROTECTION ZONE.

(A) The Stream Corridor Protection Zone shall be inspected by the City Engineer or designee:

(1) When a preliminary subdivision plat or other land development plan is submitted to the City of Dublin.

(2) When a building or zoning permit is requested.

(3) Prior to any earth-disturbing activity to inspect the delineation of the SCPZ as required under these regulations.

(4) When evidence becomes available that the provisions of these regulations become violated.

(B) Violations of these regulations will be handled as noted in Section 53.210 C.

§ 53.260 VARIANCES, WAIVERS AND EXEMPTIONS

(A) Exemptions from this section shall be in accordance with Section 53.070 (E) and the following:

~~(A)~~

(1) Application for variances, waivers or interpretations regarding where SCPZ's may apply or SCPZ width shall be submitted to the City Engineer for examination and adjudication. The applicant may be required to provide analytical data or other scientific evidence to support variance requests.

(2) The City Engineer reserves the right to exempt some development areas from this regulation provided that best engineering ~~judgement~~judgment is used to protect property from flooding or erosion damage.

§ 53.270 APPEALS

(A) Appeals regarding prohibited uses and facilities, or rulings regarding modification of non-conforming structures, within SCPZ's, may be made to the Board of Zoning Appeals.

§ 53.300 EROSION AND SEDIMENT CONTROL REQUIREMENTS FOR CONSTRUCTION SITES

(A) This regulation of the City of Dublin, shall apply to earth-disturbing activities within the jurisdiction of the City of Dublin at the City Engineer's discretion, unless otherwise excluded within this regulation under Section 53.070 or unless expressly excluded by state law, including: land used or being developed for commercial, industrial, residential, recreational, public service or other non-farm purposes.

(B) Earth disturbing activities associated with construction contribute to the pollution of public waters through soil erosion and sedimentation. Other construction activities may cause the discharge or deposition of construction materials and wastes into storm drains and surface waters. Control programs designed to minimize these problems should incorporate the planning, inspection, enforcement, and best management practices defined in § 53.300 through § 53.399.

§ 53.310 GENERAL EROSION AND SEDIMENT CONTROL REQUIREMENTS.

(A) All development activity subject to these regulations shall be provided with erosion and sediment control (ESC) practices during all phases of construction.

(B) No construction activity such as grading, cutting, or filling shall be commenced until erosion and sedimentation control devices have been installed to the satisfaction of the City Engineer.

(C) Stormwater discharges during the five-year design storm shall be released to natural channels at a non-erosive velocity of less than three feet per second unless the channel is stabilized or otherwise able to withstand higher velocities, as determined by the City Engineer.

(D) No person shall cause or allow earth- disturbing activities on a development area except in compliance with the standards set out in this regulation and the applicable items below:

(1) An erosion and sediment control plan shall be submitted as part of the ~~Stormwater Management Plan~~ construction drawings submitted and approved prior to any earth-disturbing activities on development areas, including those development areas being a part of a larger common plan of development or sale. The person proposing such earth-disturbing activities shall develop and submit for approval a plan, as part of the final site improvement plans, containing erosion and sediment pollution control practices so that compliance with other provisions of this regulation shall be achieved during and after development. Such a plan shall address specific requirements contained with this regulation.

(2) The erosion and sediment control plan must contain a description of the controls appropriate for each construction operation covered by this regulation and the operator(s) must implement such controls. The terms must clearly describe for each major construction activity (a) appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and (b) which contractor is responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization). The erosion, sediment, and storm water management practices used to satisfy the conditions of this regulation shall meet the standards and specifications in the current edition of Ohio's Rainwater and Land Development manual or other standards acceptable to the City Engineer.

(3) Owners and/or operators of projects subject to OEPA's Permit No.: OHC000002~~2~~3 (or the current version) for storm water discharges associated with construction activities shall provide a copy of its OEPA notice of intent (NOI) submission and storm water pollution prevention plan (SWP3) to the City Engineer upon request.

(4) The standards outlined herein are general guidelines and shall not limit the right of the City to impose additional, more stringent requirements, nor shall the standards limit the right of the City to waive individual requirements.

§ 53.320 STANDARDS AND CRITERIA FOR EROSION AND SEDIMENT CONTROL

(A) The standards and criteria for ESC facilities will be contained in the same administrative policies and manuals, developed and maintained by the City Engineer,

that define accepted design practices, procedures and guidance materials for stormwater management systems.

§ 53.330 SOIL EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS

(B) The ESC Plan for the site shall be an integral part of the site's stormwater management plan. ESC Plan requirements and approval processes are defined in §53.110.

§ 53.340 EROSION AND SEDIMENT CONTROL COMPLIANCE RESPONSIBILITY

(A) *Responsibility.*

(1) ESC Plan approval does not constitute assurance that the proposed BMPs will perform in the manner indicated by the design. The responsibility of the proper functioning operation and maintenance of the BMPs remains with the owner. The owner shall be responsible for providing any additional means or methods necessary to meet the intent of these regulations.

(2) It shall be the responsibility of the site owner to provide notification to the City 48-hours prior to commencement of initial site earth-disturbance. In addition, the site owner shall provide notification to the City, at least 48-hours prior to any work within or across a stream channel or SCPZ. Furthermore, within 45-days after Site Final Stabilization has been achieved, it shall be the responsibility of the site owner to inform the City Engineer that site activities are complete.

(B) *Performance Liability.* No provision of this standard shall limit, increase or otherwise affect the liabilities of the developer nor impose any liability upon the City not otherwise imposed by law.

(C) *Ownership and Maintenance.* The person(s) or entity responsible for the continued maintenance of temporary and permanent erosion control measures shall, prior to any earth -disturbance, be identified to the satisfaction of the City. This party, both during and after site development, shall be responsible for:

(1) Carrying out all provisions as approved on the erosion and sediment control plan and required by this standard,

(2) Promptly removing all soil, miscellaneous debris and other materials that may become spilled, dumped or otherwise deposited on any public thoroughfares during transport to and from the development site, and taking precautions to inhibit the deposition of sediment into any sewer system or natural watercourse.

(3) In addition, the developer shall assume responsibility and all costs for removing any sedimentation deposited in downstream drainage ways or facilities deemed objectionable by the City to the proper functioning of these downstream areas.

(4) The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices and shall ensure the responsible party has adequate funding to conduct maintenance activities as deemed necessary.

(5) All temporary and permanent erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. They shall be maintained and repaired as needed to assure continued performance of their intended function. All sediment control practices shall be maintained in a functional condition until all up slope areas they control reach final stabilization. Final stabilization shall be determined by the City Engineer.

(D) *Inspection and Enforcement.*

~~(6)~~(1) General Inspection Requirements:

(a) The City Engineer may inspect all site development activities, including erosion and sediment control devices and facilities while a development site, when subject to this regulation, is under construction. At a minimum this will be monthly and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. When facilities are not constructed according to approved plans, the City Engineer has the explicit authority to compel compliance with the approved plan and the objectives and standards of this regulation.

(b) A copy of the approved erosion and sediment control plan shall be maintained on site, or in a location easily accessible by the applicant and the City's inspector.

~~(7)~~(2) Final Inspection: Prior to final inspection, the developer's engineer shall provide the site grading plan documenting the intended site final grades.

~~(8)~~(3) General Inspection Procedures:

(a) Erosion and sediment control practices for construction sites shall be inspected periodically by the City to ensure they are being properly maintained and, if not, the City may compel the owners to make the necessary repairs at the expense of the owner. When inspections reveal the need for repair, replacement, or installation of erosion and sediment control BMPs, the following procedures shall be followed:

(b) When practices require repair or maintenance: If an internal inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.

(c) When practices fail to provide their intended function: If an internal inspection reveals that a control practice fails to perform its intended function as detailed in the ESC plan and that another, more appropriate control practice is required, the plan must be amended and the new control practice must be installed within ten (10) days of the inspection.

(d) When practices depicted on the ESC plan are not installed: In an internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented with ten (10) days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

~~(9)~~(4) Internal Inspections:

(a) At a minimum, all controls on the site shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The owner shall assign qualified inspection personnel (those with knowledge and experience in the installation and maintenance of sediment and erosion controls) to conduct these inspections to ensure that the control practices are functional and to evaluate whether the ESC Plan is adequate and properly implemented in accordance with the proposed permit schedule or whether additional control measures are required. The qualified inspection personnel shall inspect the following:

(b) Disturbed areas used for storage of materials exposed to precipitation shall be inspected for evidence of or the potential for pollutants entering the drainage system.

(c) Erosion and sediment control measures identified in the approved erosion and sediment control plan shall be observed to ensure proper operation.

(d) Discharge locations shall be inspected to determine whether erosion and sediment control measures are effective in preventing significant impacts to the receiving water resource or wetlands.

(e) Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.

~~(10)~~(5) Inspection Reports: Inspectors shall prepare written reports after every inspection. The inspection report shall describe:

(a) The date and location of the site inspection

(b) Whether or not the approved plan has been properly implemented and maintained.

(c) Any practice deficiencies or erosion and sediment control plan deficiencies; and the agreed upon type(s) of corrective action necessary to rectify any identified deficiencies.

(d) If a violation exists, the City will decide upon the type of enforcement action taken.

(e) The site manager shall sign and receive a copy of the report before the inspector leaves the site.

~~(11)~~(6) *Enforcement.* The City Engineer agency shall notify the on-site personnel or the owner/developer when deficiencies are observed, describing the nature of the deficiency, the agreed upon corrective action, and the time period in which to have the deficiency corrected. If after a reasonable amount of time for voluntary compliance, the corrective actions are not undertaken to the satisfaction of the City, the City may issue a Notice of Violation pursuant to Dublin City codes Section 153 and proceed with other enforcement remedies as provided by this and other applicable provisions of the Dublin City Codes. Where the violations and/or deficiencies represent an immediate and substantial threat to the public health, safety or welfare, the City may immediately proceed with enforcement remedies as provided by Dublin City Codes Section 153 and other applicable provisions of the Dublin City Codes.

~~(D)~~(E) *Record Keeping.* The applicant shall maintain for three (3) years following final stabilization the results of these inspections, the names and qualifications of personnel making the inspections, the dates of inspections, major observations relating to the implementation of the erosion and sediment control plan, a certification stating whether the facility is in compliance with the ESC plan, and information on any incidents of non-compliance determined by these inspections.

§ 53.999 PENALTY.

(A) Whoever violates any provisions of this chapter is guilty of an unclassified misdemeanor with a maximum fine of $2,500 and/or six months in jail with each day of violation as a separate offense.