

302 NH NATURAL HAZARDS OVERLAY DISTRICT

A. Purpose. The purpose of the Natural Hazards Overlay District (NH) is to protect those areas in the Township which:

1. Are subject to flooding
2. Have organic or muck soils

Controlled use of these areas is required to protect human life, to prevent

or minimize material or economic losses, to reduce the cost to the public for emergency public aid and relief efforts occasioned by unwise occupancy of flood prone areas, and to direct development to site which are capable of supporting the intended activity.

B. Data Sources and Map. The general boundaries of the NH district are shown on the map title "Natural Hazards Overlay Zoning District Map" (NH Map) which is on file in the Westfield Township Hall. The NH Map shows 100- year flood plains, within which may be other natural hazards such as organic soils or poor natural drainage soils. This map is intended to be only a generalized compilation of natural hazards data.

Questions pertaining to the exact district boundaries shall be resolved by scaling distances on the original source maps and reports, which are hereby adopted by reference.

1. ¹Sources for the flood prone areas are as follows:
 - a. 100-year flood plain. Digital Flood Insurance Rate Maps (DFIRMs). Federal Emergency Management Agency (FEMA); 2013 or as subsequently amended.
2. Sources for organic soil and poor natural drainage areas are as follows:
 - a. Digital soils information for Medina County. Soil Survey Geographic database (SSURGO), Ohio Department of Natural Resources (ODNR) and United States Department of Agriculture's NRCS; 2005 or subsequently amended.
 - b. Soil Survey of Medina County, Ohio. United States Soil Conservation Service; November 1977 or as subsequently amended.

¹ Amended 3-18-2015

When updated or new sources of information are made available, the Zoning Commission may review such information and recommend amendments to the Natural Hazards Overlay Zoning District Map. Where interpretation is needed as to the exact location of the boundaries, the Zoning Inspector shall make the necessary interpretation. Any persons contesting the location of a district boundary shall be given a reasonable opportunity to present their case to the

Zoning Inspector. The Zoning Inspector may utilize information provided by the applicant documenting the relevant conditions on a specific site, such as reports by qualified professionals, in making the interpretation.

- C. Overlay District. Due to the relationship of natural hazard areas to physical features of the terrain rather than any artificial boundaries, the NH district shall consist of an “overlay” district and may occur in part of one or more of the zoning districts described in the Resolution. All land included in the NH district shall be subject to the requirements specified herein in addition to the normal requirements of the zoning district in which said land is located. If a building site is partially within the NH district, the NH regulations apply only for the portion of the site within the NH district.

- D. Warning and Disclaimer of Liability. This regulation is designed to limit development in areas which have a potential for flooding or other natural hazards as indicated by scientific soil analysis, and does not imply that areas outside the district or land uses permitted within the district will be free from flooding damages or damages from other natural hazards. Larger floods may occur or flood heights may be increased by manmade or natural causes, such as ice-jams and bridge openings restricted by debris.

- E. Regulations Pertaining to Flood Prone Areas
 - 1. Uses
 - a. Permitted Uses. Only the permitted uses of the RR Rural Residential District shall be permitted in the NH Overlay District. The permitted uses of the underlying district shall not otherwise be permitted.
 - b. Conditional Uses. Only the conditional uses of the RR Rural Residential District shall be eligible for approval as conditional uses in the NH Overlay District. The conditional uses of the underlying district shall not otherwise be permitted.

- c. All permitted and conditional uses are subject to review by the Board of Zoning Appeals as specified in Section 302.E.4 below.
 2. *Reserved*
 3. Lot and Building Requirements. Same as RR District.
 4. Before issuance of a zoning certificate for any use in a flood prone area as shown on the NH District Map, the applicant shall submit information and signed statements certifying compliance with the following:
 - a. All buildings and structures shall be reasonably safe from flooding from a 100-year frequency and shall have a first floor (or basement if there is to be a basement) elevation at least two (2) feet above the level of such flood.
 - b. No structures or uses would adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any stream, drainage ditch, or any other drainage facility or system.
 - c. No materials, either organic or inorganic, shall be stored in either open storage or enclosed storage in such a manner as to present a hazard of pollution or contamination of stream waters in the case of flooding.
 5. Review of Applications in a Flood Prone Area. The Zoning Inspector may seek the assistance of any agencies having jurisdiction or relevant expertise or information necessary to review the application and determine compliance.
- F. Regulations Pertaining to Organic Soil Areas
1. Uses. Except where the applicant can demonstrate that the lot will be modified to make one or more of the permitted uses of the underlying district feasible in a manner conforming with applicable regulations, the only permitted use in the organic soil area shall be open space uses such as agriculture and recreation which involve no substantial buildings for human occupancy or use
 2. Lot and Building Requirements. Same as RR District, as applicable.

