

## **ARTICLE 26 POND REGULATIONS**

### **26.01 INTENT**

The purpose of these regulations is to guide the development, design, maintenance and structural integrity of ponds, lakes, wetlands, or other water detention/retention structures. It is the purpose of these regulations to promote the public's health, safety and welfare by minimizing local nuisances, as well as potentially dangerous health and safety concerns, and to further the general harmony between and amongst neighbors.

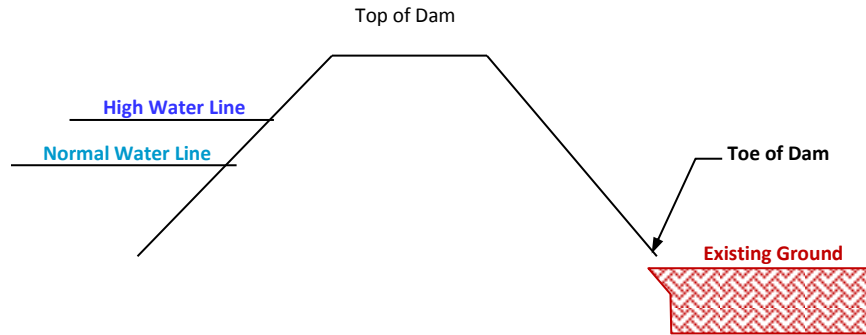
### **26.02 SCOPE OF REGULATIONS**

The regulations herein set forth shall apply to and govern ponds in all districts: All water impoundments such as ponds, lakes, or wetlands shall be constructed and developed in compliance with the following standards.

- A. No applicable structure shall hereafter be located, constructed, repaired, extended, enlarged, converted, or altered without full compliance with the terms of this resolution. Said construction, alterations or modifications require a zoning permit.
- B. "DETENTION POND" shall mean an artificially formed structure designed to hold storm water runoff, detaining it for a period of time before ultimately slowly discharging the water downstream. Detention ponds are designed to complement large scale residential, commercial and industrial developments. Detention ponds must be designed and constructed to the specifications of a licensed professional engineer and the engineering plans must be reviewed and approved by the respective authorized agencies. **No Permit Required.**
- C. "RETENTION POND" shall mean an artificially formed structure designed to hold water year round with the capacity to accommodate a limited amount of storm water runoff. Retention ponds are reservoirs of natural water designed to enhance aesthetic elements of large scale residential, commercial, and industrial developments. Retention ponds must be designed and constructed to the specifications of a licensed professional engineer and the engineering plans must be reviewed and approved by the respective authorized agencies. **No Permit Required.**
- D. "AGRICULTURAL POND" shall mean a natural or artificially formed structure which serve as a reservoir of water for year round agricultural use. Agricultural ponds are to be used for agricultural based activities as per ORC 303.01. Agricultural ponds may also support fire suppression due to the lack of access to municipal water services. The use of such ponds are limited and restricted to those activities supported by the owners. Agricultural ponds shall not engage in off-farm commercial uses or in any commercial recreational activities such as, but not limited to, fishing or swimming. **Zoning Permit subject to agricultural exemption in accordance with ORC 303.21.**
- E. "RECREATIONAL POND" shall mean a new artificially formed structure over 750 square feet which is intended to serve as a permanent reservoir of water serving aesthetic desires and /or as an activity center for year round use. Such ponds are to be designed for year round enjoyment and to further such activities such as wildlife habitats, swimming, fishing, ice skating, etc. ponds must be reviewed by the Miami County Soil

and Water Conservation District and must meet or exceed the standards and specifications of the Natural Resource Conservation Service. **Zoning Permit is required.**

1. Recreational ponds shall not be located closer than 25 feet from any lot lines or easements and where applicable, they shall not be located closer than 75 feet from any road right-of-way. In addition, they shall meet the current State of Ohio and/or Miami County Health Department well and/or septic system setbacks. They shall not restrict or block existing or future surface and/or sub-surface drainage systems.
2. Large ponds of a sufficient size, determined by the Ohio Dam Safety Law, may be subject to review, approval and annual inspection by the Ohio Department of natural Resources, Division of Water.
3. The property owner and/ or applicant will be required to submit to the Department of Development a copy of the proposed construction plan which has been approved by the authorized agency and other necessary documentation for the purpose of obtaining a zoning permit.
4. Setbacks shall be measured from the high water line or toe dam, whichever is closer.



### **26.03 PERMITTING PROCESS**

- A. The Applicant will submit plans to the Department of Development for preliminary review.
- B. The Department of Development will forward the application to the Miami County Soil and Water Conservation District for their review.
- C. After Soil and Water's review the Department of Development will issue a permit if all standards are met or exceeded.