

CHAPTER 935.08(e) Stream Corridor Protection Zone:

(1) — Purpose: The City has determined that establishing a Stream Corridor Protection Zone along streams is necessary to protect structures from damage caused by natural erosion. Unless otherwise exempt, all development and redevelopment projects that include a portion of a Stream Corridor Protection Zone must minimize alterations of the stream, keep new structures out of the Stream Corridor Protection Zone, and maintain a riparian corridor along the stream to minimize streambank erosion and to protect stream habitat.

~~(1) —~~

(2) Requirements: With the exception of roadside ditches (that ~~carries~~ carry only immediate right-of-way drainage) and approved roadway crossings~~Except as noted herein~~, no open channels (natural or man-made) will be enclosed within a storm sewer when an area is developed. This policy will apply even when the open watercourse is located on a property line.

- A. Exceptions may be granted by the Administrator for streams when the total tributary drainage area is less than 100 acres ~~½ square mile~~, however, this shall not absolve the developer from complying with all applicable state and federal regulations.
- B. If exceptions are granted on any project, it will be with the requirement that any enclosure will convey flow from the entire tributary drainage area up to the 10-year recurrence interval. A flood routing flow path must be provided through the development site for all storms greater than the 10-year recurrence interval. This flood routing path must be clearly shown on the site development plans. The applicant shall provide stormwater calculations for the proposed enclosure and flood routing to the Municipality for approval. The enclosure shall not raise the flood elevation on upstream property owners.

(3) Stream Identification: Streams covered under this requirement include all streams shown on USGS 7.5 minute Quad maps as solid or dashed blue or purple lines or a surface watercourse (either man-made or natural), with a well-defined bed and bank and channel and that conveys in part or in whole stormwater discharge, and which confines and conducts continuous or periodic flowing water. This definition does not include roadside drainage-ways that convey only immediate right-of-way drainage nor does this definition include channels of a temporary nature formed as part of an approved construction activity and that will be removed at the conclusion of construction.

The Applicant shall identify and label all streams within the project site and/or receiving stormwater discharges from the project site on the master drainage plan (935.03(b)) submitted as part of the Stormwater Management Report. The Applicant shall provide information that supports the classification of the stream on/adjacent to their site. Such information may include, but not be limited to, copies from USGS Quad sheets, photographs, FEMA maps, or soils maps showing the location of a stream and delineation of upstream tributary area.

If the City determines that the submitted evidence is inconclusive, then they may require a site inspection and input from other sources of information including the City Engineer, the U.S. Army Corps of Engineers, Ohio EPA, ODNR, or the Franklin Soil and Water Conservation District. Final determination regarding whether the watercourse or channel meets the classification of a stream for the purposes of this Chapter shall be at the discretion of the City Administrator or his/her designee.

(4) The Stream Corridor Protection Zone consists of the stream and the riparian area along the stream. Its purpose is to allow the natural, lateral movement of open water courses, provide sufficient area for flood conveyance, protect water quality and prevent structures from being impacted by natural streambank erosion. The Stream Corridor Protection Zone is established through designation of a riparian setback boundary that will be required on all natural streams ~~or~~ and man-made open channels, as required under 935.08(e)(2) and designated under 935.08(e)(3). A Stream Corridor Protection Zone is not required for a roadside ditch ~~or~~ drainage ditch feature that carries only immediate adjacent right-of-way drainage.

(3)(5) The Stream Corridor Protection Zone shall be created with the establishment of a The riparian setback boundary ~~will be established~~ on each side of the open channel. The total width between the setback boundaries will be defined by the following equation or the FEMA designated floodway, whichever is wider.

$$SW = 129 \times DA^{0.43}$$

Where: SW = Setback width measured in feet, being the total width of the protection setback at a stream channel cross-section, centered on the channel centerline.
DA = Drainage area in square miles

Note: This equation ~~is has been adopted by City of Columbus (2006) and~~ was developed and recommended by Ohio Department of Natural Resources (ODNR) based on regional curve analysis for various watercourses measured in the eastern United States region ~~and on~~ studies conducted by Ward (2001), Williams (1986) and Leopold (1978).

The minimum Setback Width is 50 feet plus channel width (i.e., 25-feet on each side of the channel, measured from the ~~channel bank~~ ordinary highwater mark).

The Stream Corridor Protection Zone shall consist of three subzones as follows:

Subzone 1 - The **Stream Channel**: This is the main channel of the stream the banks of which are formed on either side of the stream centerline by the ordinary highwater mark, which is a field determination based feature.

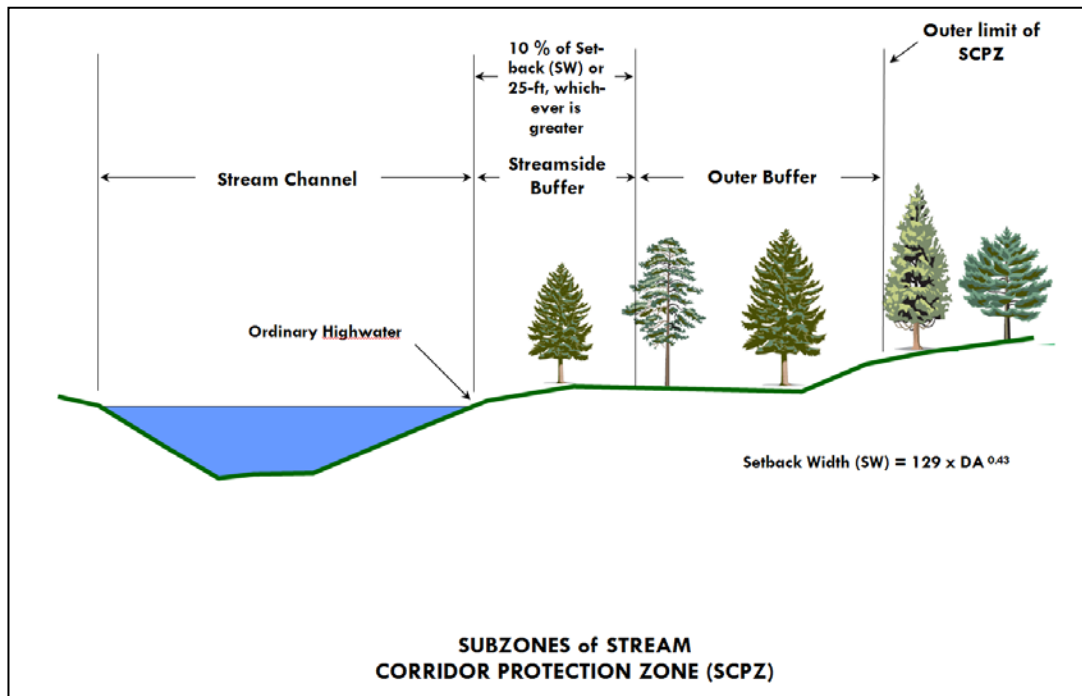
Subzone 2 - The **Streamside Buffer**: exists on each side of the stream channel and has a cross-sectional width equivalent to 10 % of the Setback width (SW) determined with the above-referenced equation, but no less than 25-feet from the ordinary highwater mark.

The outer edge of the streamside buffer (on either side of the stream channel) is measured from the ordinary highwater mark.

Subzone 3 - **Outer Buffer**: exists on each side of the stream channel. The inner edge is contiguous to the streamside buffer boundary and the outer edge establishes the outer boundary of the Stream Corridor Protection Zone.

Figure 2 displays the typical subzones within the Stream Corridor Protection Zone.

Figure 2
(showing only channel and one side of the SCPZ, for clarity)



The position of the outer setback boundary of the Stream Corridor Protection Zone may be modified at the Administrator's discretion to more accurately reflect local conditions such as to include known areas of environmental sensitivity in close proximity to channels banks, to include sensitive steep slopes adjacent to a channel edge or to exclude high terrain that is adjacent to a stream valley channel. Any proposed modifications to the Stream Corridor Protection Zone boundary shall be based on technical guidelines that are available in the office of the City Administrator.

The Stream Corridor Protection Zone must be clearly shown on site development plans.

(6) Mitigation: Mitigation required for intrusion into the Stream Corridor Protection Zone shall be determined by the horizontal distance the intrusion encroaches into the Stream Corridor Protection Zone. The extent of horizontal encroachment represented by the intrusion into the Streamside Buffer and the Outer Buffer, will be used to determine the required mitigation. Encroachment into these subzones will require mitigation within the same Watershed Assessment Unit (14-digit HUC scale).

- A. Mitigation resulting from State or Federal environmental regulations may be adjusted in recognition of these requirements. All mitigation shall, at a minimum include conserved or restored setback zone, and should be designed to maximize the ecological function of the mitigation. Including mitigation at the stream edge along with associated setback areas is one way to maximize ecological function. Mitigation shall be protected in perpetuity by binding conservation easements or environmental covenants. Granting of binding conservation easements or environmental covenants protected in perpetuity for land outside of disturbed area, but within a required riparian setback may in itself, at the discretion of the City Administrator, count towards required mitigation.
- B. Unless otherwise approved by the Administrator, the standard form of mitigation for disturbance in the Stream Corridor Protection Zone shall at a minimum include reforestation/replanting activities within the Stream Corridor Protection Zone. The mitigation activity should include removal of invasive species and their replacement with native vegetation, if invasive species are a significant feature to the landscape within the Stream Corridor Protection Zone. Granting of binding conservation easements or environmental covenants protected in perpetuity for land outside of disturbed area and outside AND contiguous to the Stream Corridor Protection Zone, may count toward mitigation.
- B. The City Administrator may at his/her discretion, allow for a stream restoration project to serve as the mitigation form, in lieu of or to supplement mitigation of land area by reforestation/replanting, provided that the proposed stream segment is in a degraded condition state (in the opinion of the City) and that it is in the public's best interest to restore this stream's form and ecological function. If this type of mitigation is allowed, it shall be designed by a registered Engineer in the State of Ohio. The design shall be subject to review and approval by the City Administrator or their designee.
- C. Mitigation performance standards shall be met to the satisfaction of the City Administrator and based on Technical Guidelines for Mitigation, which are available in the office of the City Administrator.
- D. Species selection for reforestation, if made part of a mitigation effort, shall follow the City's list of "Species of Plants and Shrubs recommended for stabilizing flood prone areas", which are included in the City's Technical Guidelines for Mitigation.
- E. All mitigation activities and standards and specifications shall be illustrated on a plan that is to be submitted for review and approval to the City Administrator or their designee. The standard for plan content is contained in the Technical Guidelines for Mitigation document that is available in the office of the City Administrator. This document contains a mitigation protocol that outlines City preferences as to nature and extent of mitigation. Moreover, this document contains resources relating to stream restoration.

~~(4)(7)~~ Construction requirements: The following conditions shall apply to all Stream Corridor Protection Zones:

- A. Except as otherwise provided in this regulation, the Stream Corridor Protection Zone shall be preserved in ~~its~~~~their~~ natural state.
- B. Prior to any soil disturbing activity, the Stream Corridor Protection Zone shall be clearly delineated by the applicant or their designated representative on the site. Such delineation shall also be identified on the Erosion and Sediment Pollution Control Plan (see Chapter 1399) and this delineation shall be maintained throughout soil disturbing activity.
- C. No later than the conclusion of construction, the applicant shall permanently delineate the Stream Corridor Protection Zone in an aesthetically harmonious manner, approved by the Administrator, such that the location of the riparian setback boundary defining the Stream Corridor Protection Zone is apparent to the casual observer and that permits access to the zone.
- D. Language preventing property owners from constructing facilities and performing activities that are prohibited within the Stream Corridor Protection Zone shall be shown on the plat or separate instrument and reflected on all deeds.
- E. Land contained within the Stream Corridor Protection Zone may, at the applicant's option and if approved by ~~City~~~~the Municipality's~~ Council, be deeded in fee simple to the ~~City~~~~Municipality~~. Alternatively, the land contained within the Stream Corridor Protection Zones shall be preserved via dedicated and binding conservation easement, environmental covenants, or reserve. If the land is deeded in fee simple to the City, then as a condition to acceptance the City may require the developer to provide an access improvement and/or access easement to be dedicated to the City through the subject development site ~~also to be dedicated to the City, at the discretion of the City.~~
- F. The applicant shall obtain all necessary permits from the Army Corps of Engineers, Ohio EPA, and other regulatory agencies. The applicant ~~in~~~~is~~ responsible for all permitting fees.

~~(5)(8)~~ Post-Construction Requirements:

A. Permitted uses and activities. No use or activity permitted under these regulations shall be construed as allowing trespass on privately held lands.

1. Passive Uses. Uses that are passive in character shall be permitted in the Stream Corridor Protection Zone, including, but not limited to, passive recreational uses, as permitted by federal, state and local laws, such as hiking, fishing, picnicking, and similar uses. Construction of paved trails to further such passive recreation uses is also permitted; ~~H~~ however, trails that become damaged due to natural erosion shall not be repaired but shall be moved upland or removed altogether.

2. Removal of Damaged or Diseased Trees. Damaged or diseased trees may be removed. Due to the potential for felled logs and branches to damage downstream properties and/or block watercourses or otherwise exacerbate flooding, logs and branches resulting from the removal of damaged or diseased trees that are greater than 6-inches in diameter at the cut end shall be cut into sections no longer than 6-feet, anchored to the shore or removed to a location no closer than 25 feet from channel bank.

~~2.3.~~ Vegetation removal on existing levees and dikes.

~~3.4.~~ Revegetation and/or Reforestation. Revegetation and/or reforestation of the Stream Corridor Protection Zone using species pursuant to the City's list of "Species of Plants and Shrubs recommended for stabilizing flood prone areas", which is contained in the City's Technical Guideline for Mitigation, available from the Office of the City Administrator. Table D. Table D lists species of plants and shrubs recommended for stabilizing flood prone areas. Proper species selection is dependent on soil conditions, available water and amount of sun exposure. Proper species selection will take into account these factors.

5. Public Utilities. Sanitary sewer, storm sewer pipe and/or water lines that are public utilities and public utility transmission lines may be located within the Stream Corridor Protection Zone and disturbances therein necessary to place and/or maintain such utilities are also authorized. The placement, construction and maintenance of such utilities shall minimize disturbance to riparian areas and shall mitigate any necessary disturbances per section 935.08(e)(6) of this chapter. The developer and/or landowner shall secure the appropriate state and federal permits required for installations of this type. Stormwater pipe outfalls may be allowed within the Stream Corridor Protection Zone only where it is shown that elevations do not accommodate their position at a point outside the Stream Corridor Protection Zone; the construction and location of a stormwater pipe outlet within the Stream Corridor Protection Zone must have prior approval of the City Administrator.

6. Private Utilities. New Private utilities such as electric or telecommunication lines

- ~~4. being either elevated or running perpendicular to the stream, and gas or cable TV conduit that runs perpendicular to the stream may be located in the Stream Corridor Protection Zone and disturbances therein necessary to place and/or maintain such facilities are authorized, unless prohibited by existing conservation easements or environmental covenants. However, the following related private utility features are not permitted within the Stream Corridor Protection Zone: substations and their appurtenances that support private utilities. The placement, construction and maintenance of such above-described permitted private utilities shall minimize disturbance to riparian areas and shall mitigate any necessary disturbances per section 935.08(e)(6) of this chapter. The developer and/or landowner shall secure the appropriate state and federal permits required for installations of this type.~~
- ~~5.7. Public Roadways. Public roadways may cross the Stream Corridor Protection Zone and disturbances therein necessary to place and/or maintain the roadways are authorized. The placement, construction and maintenance of the roadway shall minimize disturbance to riparian areas and shall mitigate any necessary disturbances per section 935.08(e)(6) of this chapter. There shall be no more than two roadway encroachments (including crossings) into the Stream Corridor Protection Zone crossings of the setback within any proposed development. The developer and/or landowner shall secure the appropriate state and federal permits required for installations of this type. Construction of Public Roadways in FEMA-designated floodplains shall conform with permitting requirements and standards contained in Chapter 1341 "Flood Damage Prevention".~~
- ~~8. Private driveways. Private driveways may be located in the Stream Corridor Protection Zone to access land uses not within the Stream Corridor Protection Zone, provided no feasible alternative that does not involve encroachment is possible in the opinion of the City Administrator, and provided that the driveway width does not exceed 24-feet – unless otherwise approved by the City Administrator - and their placement within the Stream Corridor Protection Zone is minimized. No more than one private drive crossing of a stream within the Stream Corridor Protection Zone will be allowed on an individual tax parcel or if the development of that parcel is part of a larger common plan of development, then no more than two private drive crossings will be allowed for all tax parcels that are a part of that larger common plan of development. Private drive construction shall minimize disturbance to riparian areas and shall mitigate all disturbances per section 935.08(e)(6) of this chapter. The developer and/or landowner shall secure the appropriate state and federal permits required for installations of this type. Construction of private drives in FEMA-designated floodplains shall conform to permitting requirements and standards contained in Chapter 1341 "Flood Damage Prevention". This permitted use shall not include parking lots, which are a prohibited use within the SCPZ.~~
- ~~9. Stormwater Detention Facilities. Detention facilities may be located within the Outer Buffer subzone, provided:~~
- ~~a. The facility is not located in the existing 100-year floodplain area., as defined by the Federal Emergency Management Agency and~~

b. Riparian area disturbance will be minimized, and all disturbances shall be mitigated per section 935.08(e)(6) of this chapter.

10. Stream restoration and/or stream relocation projects: construction activities associated with these type of activities may be allowed, provided they are appropriately permitted.

~~6.11.~~ Floodplain recovery/restoration projects. Projects that recover and otherwise restore the floodplain form and function are permitted provided they are appropriately permitted. Any lands within the Stream Corridor Protection Zone that are modified under this permitted use shall include reforestation of the impacted landscape per section 935.08(e)(6) of this chapter.

12. Emergency Channel Maintenance Activity. Emergency activities intended to restore and/or maintain the function and flood carrying capacity of the main channel area may be permitted, subject to authorization by the ~~Village-City~~ Administrator and, if applicable, by appropriate state and/or federal agency(ies). Such activity may include, but not be limited to removal of offending trees or brush or the accumulation of sediment in the main channel that is necessary to restore flow carrying capacity of the main channel.

~~7.13.~~ Disturbance resulting from permitted stream and/or wetland mitigation projects is permitted, provided that mitigation is applied to offset impacts to local wetlands, per section 935.08(e)(6) of this chapter.

~~8.14.~~ Disturbances in the Stream Corridor Protection Zone necessary to accomplish the uses described in paragraphs 1 through ~~8-12~~ of this subsection are also authorized. However, all such disturbances shall be minimized and any necessary disturbances shall be mitigated per section 935.08(e)(6) of this chapter.

B. Prohibited Uses and Activities. Any use not authorized under these regulations shall be prohibited in the Stream Corridor Protection Zone. By way of example, the following uses are specifically prohibited, however prohibited uses are not limited to those examples listed here:

1. There shall be no buildings/structures (except permitted bridges), swimming pools, signs, billboards, fences, or other structures deemed unacceptable by the City Administrator of any kind.
2. Dredging or Filling. There shall be no drilling, filling, dredging, grading, or dumping of soils, spoils, liquid or solid materials. ~~No floodplain fill will be granted for areas within the Stream Corridor Protection Zone~~ except for fill associated with permitted uses those that are required for activities listed in subsection 935.08(e)(~~78~~)(A)(1 through ~~814~~) above. Floodplain fill activity must be compliant with the City's permitting requirements contained in the Chapter 1341 "Flood Damage Prevention".

3. Unless otherwise associated within a Permitted Use under section 935.08(e)(8)(A), no structural sediment controls (e.g., the installation of silt fence or a sediment settling pond) or structural post-construction controls shall be used in the following subzones of the Stream Corridor Protection Zone:
- a. Stream channel subzone
 - b. Streamside Buffer subzone
 - c. Areas in the Outer Buffer subzone that are within the existing 100-year floodplain area, as defined by FEMA.

Activities and controls that would not impair the floodplain or stream stabilizing ability of the outer buffer can be considered.

- ~~3.4.~~ Motorized Vehicles. There shall be no use of motorized vehicles except as needed for activities associated with those listed in section 935.08(e)(8)(A)(1 through 14) ~~4~~ above.

- ~~4.5.~~ Parking Lots. There shall be no parking lots or storage of vehicles or other human made impervious cover except as allowed above.

6. Stormwater Detention Facilities. Stormwater detention facilities are not allowed within the following subzones of the Stream Corridor Protection Zone:
- a. Stream channel subzone
 - b. Streamside Buffer subzone
 - ~~c.~~ Areas in the Outer Buffer subzone that are within the existing 100-year floodplain area, as defined by FEMA, may be located adjacent to, but not within the Stream Corridor Protection Zone.

7. Stormwater Pipe Outfalls, including headwalls, endwalls, and associated outlet open ditches should be located outside the Stream Corridor Protection Zone, unless otherwise approved by the Administrator where feasible and elevations permit, unless otherwise approved by the Administrator. Stormwater pipe outfalls shall discharge into a structural level spreader or a constructed open channel with appropriate protection from erosion that should also be outside the Stream Corridor Protection Area.

8. Private Utility lines and pipes that run parallel to the stream shall not be located in the Stream Corridor Protection Zone. Moreover, the following related private utility features are not permitted within the Stream Corridor Protection Zone: substations and their appurtenances that support private utilities.

9. Platted Lots. No part of any lot to be developed will be located within the Stream Corridor Protection Zone.

10. Other prohibited uses, unless otherwise designated a permitted or conditional use by the City, including:
- a. Agriculture
 - b. Industry/commercial

- c. Removal of topsoil, sand, gravel, rock, oil, gas
- d. Application of herbicides/pesticides

C. Non-conforming Uses and Structures within the Stream Corridor Protection Zone.

1. A non-conforming use, existing at the time of passage of this regulation and within a Stream Corridor Protection Zone that is not permitted under this regulation may be continued but shall not be changed to a new use or enlarged unless changed to a use permitted under this regulation.
2. A non-conforming use, existing at the time of passage of this regulation and within a Stream Corridor Protection Zone that is not permitted under this regulation may be continued but shall not have the existing building footprint or roofline expanded or enlarged.
3. A non-conforming use, existing at the time of passage of this regulation and within a Stream Corridor Protection Zone that has substantial damage and that is discontinued, terminated, or abandoned for a period of six (6) months or more may not be revived, restored or re-established. “Substantial damage” means damage of any origin sustained to a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred

D. Maintenance of the Stream Corridor Protection Zone.

1. Disturbance of Natural Vegetation. There shall be no disturbance of the natural vegetation at any time, including during construction of the remainder of the site, except for such conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for removal of invasive species and their replacement with native vegetation; and for the passive enjoyment, access, and maintenance of landscaping or lawns existing at the time of passage of these regulations except as need for activities associated with those listed above.
2. Recommended Vegetation for Stabilizing Floodprone Areas. Proper selection of species for stabilization of floodprone areas is dependent on several factors, including soil conditions, available water and amount of sun exposure. Proper species selection and installation will take into account these factors. Refer to the City’s list of “~~Table D contains a list of s~~Species of plants and shrubs recommended for ~~stabilizing Stabilizing flood Flood prone Prone areasAreas~~”, which is contained in a Technical Guideline for Mitigation, available in the office of the City Administrator.

~~Table D
Species of Plants and Shrubs Recommended
For Stabilizing Flood Prone Areas~~

Riparian Corridor—Trees	
Botanical Name	Common Name
<i>Acer spp.</i>	Maple(s)
<i>Betula nigra</i>	River Birch
<i>Carya spp.</i>	Hickory(s)
<i>Celtis occidentalis</i>	Common hackberry
<i>Cercis Canadensis</i>	Eastern-rebud
<i>Crataegus phaenopyrum</i>	Washington hawthorne
<i>Crataegus crusgalli</i>	Cockspur hawthorne
<i>Fagus grandiflora</i>	Beech
<i>Fraxinus Americana</i>	White ash
<i>Gleditsia triacanthos</i>	Honeylocust
<i>Hamamelis virginiana</i>	Common witchhazel
<i>Liriodendron tulipifera</i>	Tulip poplar
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Platanus occidentalis</i>	Sycamore
<i>Populus deltoids</i>	Eastern cottonwood
<i>Prunus serotina</i>	Black cherry
<i>Quercus alba</i>	White oak
<i>Quercus palustris</i>	Pin oak
<i>Quercus rubra</i>	Red Oak
<i>Ulmus rubra</i>	Slippery elm

Riparian Corridor—Shrubs	
Botanical Name	Common Name
<i>Aronia melanocarpa</i>	Black chokeberry

<i>Cornus racemosa</i>	Gray dogwood
<i>Cornus stolonifera</i> *	Red osier dogwood
<i>Lindera benzoin</i>	Spicebush
<i>Salix spp.</i> *	Willow(s)
<i>Sambucus canadensis</i>	Elderberry
<i>Viburnum dentatum</i>	Southern arrowwood
<i>Viburnum prunifolium</i>	Blackhaw viburnum
<i>Viburnum lentago</i>	Nannyberry viburnum
<i>Viburnum trilobum</i>	American cranberrybush

~~—*Instream plantings for rapid shade cover and bank stabilization.~~

(9) Appeals relating to provisions of this subchapter involving the Stream Corridor Protection Zone.

Any person may appeal decisions or interpretations of the City Administrator, or his designee, issued in connection with the enforcement of any provisions of chapter 935.08 (Stream Corridor Protection Zone) or request variances therefrom, provided that such person shall file in the office of the City Administrator, along with the fees established by Council for appeals and variances, a written petition to the Appeals Board as provided below.

A. The Appeals Board. The Appeals Board established under chapter 939.24, shall hear and determine appeals of or variances to this chapter 935.08 (Stream Corridor Protection Zone) and relating only to requirements under chapter 935.08 and, upon receipt of a petition setting forth the requirements of Section 939.26 and the required fee(s), the Appeals Board shall set a time and place for a public hearing and shall give the petitioner written notice thereof. At the hearing, the petitioner shall be given an opportunity to be heard and show cause why any decision, interpretation or any item appearing on a notice or order should be modified or denied or a variance granted.

After a hearing, the Appeals Board shall sustain, modify or deny any item appealed or grant a variance by majority vote, depending on its findings as to whether the provisions of this chapter have been complied with, and the petitioner and the City Administrator shall be notified in writing of such findings.

The proceedings at such hearings, including the findings and decision of the Appeals Board and reasons therefor, shall be summarized and reduced to writing and entered as a matter of public record in the office of the City Administrator. The record shall also include a copy of every notice, order or variance issued in connection with the matter.

B. The failure of the petitioner or his representative to appear and state his case at any hearing shall have the same effect as if no petition had been filed.

C. Filing fees required by this section shall be in addition to the payment of the permits and inspection fees and any other fee which thereafter may occur, and no portion of such filing fee shall be refunded whatever the outcome of the appeal unless such petition shall have been withdrawn prior to the date set for such hearing.

D. Contents of Petition for Appeal.

1. The complainant shall set forth in the petition for appeal, the interpretation, ruling or order appealed from, and the related provisions of this chapter or related laws or ordinances, and shall state wherein the interpretation, ruling, or order is erroneous. If the appeal is a request for variance, the petition shall point out the provision or provisions from which the variance is sought and how the request satisfies the requirements of this section.

2. Petitions to the Appeals Board, in appeals filed in accordance with Section 939.25(a), may only be based on one of the following grounds:

a. The interpretation, ruling, or order is erroneous or constitutes an erroneous application of the particular provisions of this chapter or other related laws or ordinances pertaining to stormwater management ~~and finance~~, or is otherwise contrary to law, or

b. A variance is necessary and feasible and meets all of the following conditions:

i) Good and sufficient cause based on an unreasonable burden or hardship has been proven;

ii) The degree of variance is the minimum necessary to afford relief from the unreasonable burden or hardship imposed by this chapter or standards, specifications, requirements, regulations, and procedures adopted pursuant to this chapter;

iii) The variance may be granted without defeating the public health, safety, and welfare purposes and intent of this chapter or related laws or ordinances pertaining to stormwater management and finance.