

**SPECIAL PURPOSE
FLOOD DAMAGE
PREVENTION REGULATIONS**
for
FAIRFIELD COUNTY



**Adopted September 7, 1995
Effective October 9, 1995**

Flood Maps are available in the Fairfield County Regional Planning Commission

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SPECIAL PURPOSE
FLOOD DAMAGE PREVENTION REGULATIONS

SECTION 1.0

**STATUTORY AUTHORIZATION, FINDINGS OF FACT PURPOSE
AND OBJECTIVES**

1.1 STATUTORY AUTHORIZATION

This resolution is adopted pursuant to authorization contained in Section 307.37 and 307.85 of the Ohio Revised Code. This resolution adopts regulations for flood hazard areas that are necessary for participation in the National Flood Insurance Program. Therefore, the Board of County Commissioners of Fairfield County, does resolve as follows:

1.2 FINDINGS OF FACT

- A. The flood hazard areas of Fairfield County are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this resolution to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. protect human life and health;
- B. minimize expenditures of public money for costly flood control projects;

- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business interruptions;
- E. minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. ensure that potential buyers are aware that property is in an area of special flood hazard; and,
- H. ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this resolution includes methods and provisions for:

- A. restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. controlling filling, grading, dredging, and other development which may increase flood damage; and,
- E. preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0

DEFINITIONS

Unless specifically defined below, words or phrases used in this resolution shall be interpreted so as to give them the meaning they have in common usage and to give this resolution its most reasonable application.

Accessory structure means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal means a request for a review of the Fairfield County Regional Planning Commissions interpretation of any provision of this resolution or a request for a variance.

Area of special flood hazard means the land in the flood plain within the County subject to a one percent or greater change of flooding in any given year.

Area of shallow flooding means a designated AO or AH zone on Fairfield County's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.

Basement means any area of the building having its floor subgrade (below ground elevation) on all sides.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Federal Emergency Management Agency (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.

Flood or ***flooding*** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal water, and/or
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Floodway means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 (one) foot.

Flood Insurance Rate Map (FIRM) means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.

Flood Insurance Study means the official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.

Historic Structure means any structure that is:

- A) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the national Register;
- B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C) Individually listed on a state inventory of historic places in status with historic preservation programs which have been approved by the Secretary of the Interior; or
- D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified wither;
 - 1) By an approved state program as determined by the Secretary of the Interior or;
 - 2) Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. It includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, over which the Public Health Council has exclusive rule making power.

New construction means structures for which the “start or construction” commenced on or after the initial effective date of the county’s Flood Insurance Rate Map, April 17, 1989, and includes any subsequent improvements to such structures.

Recreational Vehicle means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck;
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use.

Start of construction means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and/or walkways; nor does it include the installation on the temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage means damage of any origin sustained by 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.

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance is a grant of relief to a person from the requirements of this resolution which permits construction in a manner that would otherwise be prohibited by this resolution.

SECTION 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS RESOLUTION APPLIES

This resolution shall apply to all area of special flood hazard within the jurisdiction of Fairfield County.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for Fairfield County, Ohio, Unincorporated Areas dated April 17, 1996." This study, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated April 17, 1996, and any revisions thereto are hereby adopted by reference and declared to be a part of this Resolution. The Flood Insurance Study is on file at the Fairfield County Regional Planning Commission, Fairfield County Courthouse, Lancaster, Ohio.

3.3 COMPLIANCE

Unless specifically exempted from filing for a development permit as stated in Section 4.2 no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this resolution and all other applicable regulations which apply to uses within the jurisdiction of this resolution.

3.4 ABROGATION AND GREATER RESTRICTIONS

This resolution is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this resolution and another resolution, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this resolution, all provisions shall be:

- A. considered as minimum requirements;
- B. liberally construed in favor of the governing body; and,
- C. deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this resolution may be in conflict with a State law, such State law shall take precedence over the resolution.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This resolution does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This resolution shall not create liability on the part of Fairfield County, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this resolution or any administrative decision lawfully made thereunder.

3.7 VIOLATIONS AND PENALTIES

Violation of the provisions of this resolution or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements (including connection with conditions) shall upon conviction thereof be fined not more than \$300.00 and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Fairfield County from taking such other lawful action as is necessary to prevent or remedy any violations.

3.8 APPEAL TO THE COURT

Any person or persons adversely affected by this resolution or by any decision of the Fairfield County Regional Planning Commission may appeal to the Fairfield County Court of Common Pleas.

SECTION 4.0

ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. Application for a Development Permit shall be made on forms furnished by the Fairfield County Regional Planning Commission and may include, but not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing; and, a description of the extent to which any watercourse will be altered or relocated as a result of proposed development. If base flood elevation data are available, the following information is also required:

- A. elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in the special flood hazard areas where base flood elevation data are utilized;
- B. elevation in relation to mean sea level to which any proposed structure will be floodproofed in accordance with Section 5.2.2 (A) where base flood elevation data are utilized;
- C. certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2.2 where base flood elevation data are utilized; and,
- D. description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.

A filing fee of \$75.00 shall be provided the Fairfield County Regional Planning Commission at time of request for a development permit. This fee shall be waived for any improvement being performed by a city, county or state agency, department, division or bureau.

4.2 EXEMPTION FROM FILING A DEVELOPMENT PERMIT

An application for a Development Permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small non-structural development activities (except for filling and grading) valued at less than \$1,000.00.

4.3 DESIGNATION OF THE FLOOD DAMAGE PREVENTION REGULATION ADMINISTRATOR

The Fairfield County Regional Planning Commission is hereby appointed to administer and implement this resolution by granting or denying development permit applications in accordance with its provisions.

4.4 DUTIES AND RESPONSIBILITIES OF THE FAIRFIELD COUNTY REGIONAL PLANNING COMMISSION

Duties and responsibilities of the Fairfield County Regional Planning Commission shall include but are not limited to:

4.4.1 Permit Review

- A. Review all development permits to determine that the permit requirements of this resolution have been satisfied.
- B. Review all development permits to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of Army under section 10 of the Rivers and Harbors Act and section 404 of the Clean Water Act.
- C. Review all development permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 5.3 (1) are met.

4.4.2 Use of Other Base Flood Elevation and Floodway Data

Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency are designated as Zone A on the County's Flood Insurance Rate Map (or Flood Hazard Boundary Map). Within these areas, the Fairfield County Regional Planning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data

available from a Federal, State, or other source including the data obtained under Section 5.2.6, SUBDIVISIONS AND LARGE DEVELOPMENTS, in order to administer Section 5.2.1, SPECIFIC STANDARDS, Residential Construction; 5.2.2, SPECIFIC STANDARDS, Nonresidential Construction; and 5.3, FLOODWAYS, Area With Floodways.

4.4.3 Information to be Obtained and Maintained

Where base flood elevation data are utilized within areas of special flood hazard on the county's Flood Hazard Boundary Map or Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:

- A) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor.
- B) For all new or substantially-improved floodproofed structures:
 - 1) verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and,
 - 2) maintain the floodproofing certifications required in Section 4.1 (c).
- C) Maintain for public inspection all records pertaining to the provisions of this resolution.

4.4.4 Alteration of Watercourses

- A. Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.
- B. Maintain engineering documentation required in Section 4.1 (D) that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.
- C. Require that necessary maintenance will be provided for by the applicant for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.

4.4.5 Interpretation of Flood Boundaries

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.5.

4.5 VARIANCE PROCEDURE

4.5.1 Variance Board

- A) A variance board (hereafter referred to as the "Board") is hereby established for granting variances from the flood plain management requirements of this resolution where owing to special conditions a literal enforcement of the provisions of this resolution will result in unnecessary hardship. The Board shall consist of five members to be appointed by the Board of County Commissioners. The members shall serve three year terms after which time they shall be reappointed or replaced by the Board of County Commissioners. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant. A chairperson shall be elected by the members of the Board.
- B) Meetings of the Board shall be held as needed. All meetings of the Board shall be open to the public. The board shall keep minutes of its proceedings reflecting the vote of each member upon each question and shall keep records of all official actions. The records shall be open for public review.
- C) A filing fee of \$50.00 shall be paid to the Fairfield County Regional Planning Commission at the time for filing a variance request.
- D) Upon the filing with the Board for a variance request the Board shall set a date for a public hearing and shall arrive at a decision within 30 days after the hearing.
- E) Appeals from any decision of the Board may be taken by any person or persons aggrieved by any decision of the Board to the Fairfield County Court of Common Pleas.
- F) In passing upon a variance request, the Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this resolution, and:

- 1) the danger that materials may be swept onto other lands to the injury of others;
 - 2) the danger to life and property due to flooding or erosion damage;
 - 3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4) the importance of the services provided by the proposed facility to the County;
 - 5) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - 6) the necessity to the facility of a waterfront location, where applicable;
 - 7) the compatibility of the proposed use with existing and anticipated development;
 - 8) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - 9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - 11) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- G) Upon consideration of the factors of Section 4.5.1 (E) and the purposes of this resolution, the Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this resolution.
- H) The Fairfield County Regional Planning Commission shall maintain the records of all variance requests and report any variances to the Federal Emergency Management Agency upon request.

4.5.2 Conditions for Variances

- A) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section 4.5.1 (E) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- B) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places upon a determination that the proposed reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D) Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard to afford relief.
- E) Variances shall only be issued upon:
 - 1) a showing of good and sufficient cause;
 - 2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - 3) a determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this resolution, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 4.5.1 (E), or conflict with existing local laws or ordinances.
- F) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1.1 Anchoring

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. All manufactured homes not otherwise regulated by the Ohio Revised Code pertaining to manufacture home parks shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the efforts of buoyancy. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.

5.1.2 Construction Materials and Methods

- A. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1.3 Utilities

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- C. Individual on-site waste water treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1.4 Subdivision Proposals

- A. All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals, including manufacture home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and,
- D. All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of section 5.2.6, SUBDIVISIONS AND LARGE DEVELOPMENTS.

5.1.5 Standards in Areas of Special Flood Hazard Without Base Flood Elevation Data

In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, the following provisions apply:

- A. New Construction and substantial improvement of any residential, commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevation to at least two feet above the highest adjacent natural grade.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 4.4.2, USE OF OTHER BASE FLOOD ELEVATION AND FLOODWAY DATA, the following provisions are required:

5.2.1 Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to an elevation 1 foot or more above the level of the base flood elevation for that site. Only nonresidential structures may be floodproofed.

5.2.2 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to an elevation 1 foot or more above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- A. be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water. In order to be eligible for lower insurance rates, the structure should be floodproofed at an elevation 1 foot or more above the base flood elevation.
- B. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- C. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 4.1 (c).

5.2.3 Accessory Structures

An exemption to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures must meet the encroachment provisions of Section 5.3 (1) and the following additional standards:

- A. they shall not be used for human habitation;
- B. they shall be designed to have low flood damage potential;
- C. they shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
- D. they shall be firmly anchored to prevent flotation; and,

- E. all service facilities such as electrical and heating equipment shall be elevated to an elevation 1 foot or more above the 100 year base flood elevation or floodproofed.

5.2.4 Manufactured Homes and Recreational Vehicles

The following standards shall apply to all new and substantially-improved manufactured homes not subject to the manufactured home requirements of Section 3733.01, Ohio Revised Code.

- A. Manufactured homes shall be anchored in accordance with Section 5.1.1 (2).
- B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to an elevation 1 foot or more above the 100 year base flood elevation.

These standards also apply to recreational vehicles that are either:

- A. located on sites for 180 days or more; and,
- B. are not fully licensed and ready for highway use.

5.2.5 Enclosures Below The Lowest Floor

This provision applies to all new and substantially-improved residential and nonresidential structures which are elevated to an elevation 1 foot or more above the base flood elevation using pilings, columns, or posts.

Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:

- A) Designs for meeting this requirement must:
 - 1) Be certified by a registered professional engineer or architect; or,
 - 2) must meet or exceed the following criteria:
 - (a) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area shall be provided;

- (b) the bottom of all openings shall be no higher than one foot above grade; and,
 - (c) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- B) Any enclosure which meets these criteria shall be considered as having met the requirements of Section 5.5.1, Anchoring.

5.2.6 Subdivisions and Large Developments

In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD or Section 4.4.2, USE OF OTHER BASE FLOOD ELEVATION DATA, the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least 50 lots or 5 acres (whichever is less):

- A) The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
- B) If Section 5.2.6 (A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.1, GENERAL STANDARDS, and Section 5.2, SPECIFIC STANDARDS.

5.3 FLOODWAYS

5.3.1 Areas with Floodways

The Flood Insurance Study reference in Section 3.2 identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 4.4.2. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The following provisions apply within all delineated floodway areas:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analyses performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

- B. If Section 5.3 (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.
- C. Any encroachment within the floodway that would result in an increase in Base Flood Elevations can only be granted upon prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the Fairfield County Regional Planning Commission to the Federal Emergency Management Agency and must meet the requirement of the National Flood Insurance Program.

5.3.2 Areas Without Floodways

In all areas of special flood hazard where FEMA has provided base flood elevation data as set forth in Section 3.2, but FEMA has not delineated a floodway, the following provisions apply:

- A. New construction, substantial improvements, or other development (including fill) shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1.0 (one) foot at any point.
- B. If Section 5.3.2 (A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.

6.0 REPEAL OF PREVIOUS REGULATIONS

The previous resolution entitled "Flood Damage Prevention Regulations, Fairfield County, Ohio" adopted March 30, 1989, is herewith repealed.

The original Special Purpose Flood Damage Prevention Regulations were adopted on the 10th day of February, 1987, Revised and adopted on the 30th day of March, 1989.

In accordance with O.R.C 307.37 public hearings were held on August 22, 1995, and August 29, 1995, at regular meetings of the Fairfield County Board of Commissioners.

The Revised Special Purpose Flood Damage Prevention Regulations were adopted on the 7th day of September, 1995

ROLL CALL VOTE:

Judith K. Shupe
Judith K Shupe, President

Lisa Kessler
Lisa Kessler, Vice President

Allan Reid
Allan Reid

ATTEST:

Mary K. Palmer
Mary K Palmer, Clerk

Jacqueline D. Long
Assistant Clerk

EXPLANATION FOR THE SPECIAL FLOOD HAZARD AREA DEVELOPMENT PERMIT APPLICATION

DESCRIPTION OF WORK

1. Information shall be furnished showing the location of the development site so that the administrator can determine whether the proposed development is located in the floodway, flood fringe or approximate 100-year flood hazard area.
2. An application for a permit must be filed for all structural and non-structural activities including fill and excavation. If the development involves structural activity the local administrator needs to know whether a residential or non-residential structure is proposed so that the appropriate flood protection measures (elevation for residential and either elevation or dry floodproofing for non-residential) may be applied.

Should an accessory structure be proposed it may qualify for an exemption to the flood protection measures if the flood plain regulation criteria are satisfied.

When local administrator reviews a proposed watercourse alteration he/she must be satisfied that the flow carrying capacity of the watercourse will not be diminished. NFIP regulations require that adjacent communities and the Ohio Department of Natural Resources be notified of any proposed watercourse alterations.

Under Ohio law (ORC Section 3733.02) the Public Health Council has exclusive power to make rules and issue licenses over manufactured home parks consisting of three (3) or more manufactured homes used as primary residences are subject to regulations adopted by the Public Health Council. Therefore, parks will be regulated exclusively by that agency to comply with flood damage prevention standards.

3. Information regarding the market value of an existing structure and the estimated value of any proposed improvements to that structure must be obtained so that the administration can determine if a substantial improvement will occur. A substantial improvement is any improvement that would equal or exceed 50% or the market value of the structure before the improvement is started. If a structure is substantially improved then flood plain regulatory requirements will be applicable.
4. If the proposed development is a qualifying subdivision (including proposals for manufactured home parks and subdivisions) base flood elevation data is required from the applicant if it has not been provided by FEMA.

ADMINISTRATIVE

5. If the proposed development is located in an identified floodway, the applicant must furnish technical data showing that no encroachment will occur. The development proposed will result in **NO** increase in the determined base flood elevations.
6. As the National Flood Insurance Program is now structured, residential buildings must be flood-protected through elevation by the use of fill material or by the use of piers or pilings. Non-residential structures can also be elevated by one of these means or they can be floodproofed, i.e., constructed with materials able to resist damage from flood waters. When the floodproofing alternative is selected for a non-residential structure the local administrator must require a statement from a professional engineer or architect certifying that the proposed construction methods would essentially render the structure dry in the event that a flood occurs. Manufactured homes must be elevated to or above the base flood elevation, and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.
7. The local administrator must determine the 100-year flood elevation at a proposed development site. If the natural ground elevation at the site is lower than the 100-year flood elevation, the structure must be flood protected. The source of information for the 100-year flood elevation will normally be the flood insurance study. However, not all floodprone areas shown on the flood insurance maps as unnumbered "Zone A," are provided with the 100-year flood elevations. In such cases the local administrator must utilize any 100-year flood elevation data available from other local, state or federal agencies.
8. As part of the community's responsibility as a participant in the National Flood Insurance Program, the local administrator must obtain and record the lowest floor elevations of all new or substantially improved structures. The record of elevation data is vital to the functioning of the program since insurance agents must have access to it in order to calculate insurance premium rates.
9. A community may obtain the necessary elevation information by requiring the applicant to furnish certified elevation from a qualified surveyor. The alternative is for the community to commit the personnel, time, and money to the task of surveying and inspecting the completed development. The "Elevation Certification Form" attached to the application permit may be utilized by a community that wishes to follow the former method.
10. The permit administrator shall determine whether the proposed development must comply with the flood damage prevention standards.
11. Certain types of development including accessory structures and less than substantial improvements to an existing structure may not have to comply with all the standards. Accessory structures and those granted a variance to the BFE must satisfy criteria as stated in the flood plain regulations.
12. Should a development permit be denied the local administrator should explain in writing the specific ordinance (resolution) requirements that the applicant failed to meet.
13. Enclosures below base flood elevation are permitted when certain criteria are met re: 5.2.5 example-openings provided.