

On the motion of  
the following was adopted

*Ms. Summerow Dumas*

seconded by

*Ms. Reece*

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On motion of Ms, Summerow Dumas, seconded by Commissioner Reece the following resolution was adopted...

**RESOLUTION ADOPTING FLOOD DAMAGE PREVENTION REGULATIONS FOR THE UNINCORPORATED AREAS OF HAMILTON COUNTY**

BY THE BOARD:

WHEREAS, the Board of County Commissioners of Hamilton County, Ohio did, on April 1, 1987, adopt the Flood Damage Prevention Regulations for Unincorporated Hamilton County, Ohio (Vol. 226, Image 111, et seq.), effective April 1, 1987; and

WHEREAS, the Board of County Commissioners of Hamilton County, Ohio, found it necessary and advisable to amend the aforesaid Regulations; and

WHEREAS, the Board of County Commissioners of Hamilton County, Ohio, found that the most appropriate method of amending the aforesaid Regulations, was to rescind it and adopt a replacement resolution which incorporates the necessary amendments; and

WHEREAS, on October 26, 1988, the Board of County Commissioners of Hamilton County, Ohio rescinded the aforesaid Regulations and adopted a replacement resolution which incorporated the necessary amendments (Vol. 232, Image 481, et seq.), effective October 26, 1988; and

WHEREAS, on September 5, 2001, the Board of County Commissioners of Hamilton County, Ohio rescinded the aforesaid Regulations and adopted a replacement resolution which incorporated the necessary amendments (Vol. 283, Image 3249, et seq.), effective September 5, 2001; and

WHEREAS, on April 21, 2004 the Board of County Commissioners of Hamilton County, Ohio rescinded the aforesaid Regulations and adopted a replacement resolution which incorporated the necessary amendments (Vol. 294, Image 707, et seq.), effective April 21, 2004; and

WHEREAS, the Board of County Commissioners of Hamilton County, Ohio, again finds it necessary and advisable to rescind the aforesaid Regulations and adopt a replacement resolution which will incorporate the necessary amendments; and

WHEREAS, We advertised for two (2) public hearings held on November 18, 2021 and December 2, 2021 in the local newspaper as well as on the Hamilton County Website. There were no comments or objections received from the public during this time.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Hamilton County, Ohio, that this Resolution shall be known as, and is, the **Flood Damage Prevention Regulations** for Unincorporated Hamilton County, Ohio, and that it shall apply to all new construction, substantial improvements, and other development within all Special Flood Hazard Areas in the Unincorporated Territory of Hamilton County, Ohio, after June 1, 1982, and that it shall be as follows:

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Hamilton County Administrator; Jeff Aluotto, the Hamilton County Planning & Development Director

James Noyes.

BE IT FURTHER RESOLVED that the Clerk of this Board be and is hereby authorized and directed to certify a copy of this resolution to the Planning and Development, Director – James Noyes.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners of Hamilton County, Ohio this 16<sup>th</sup> day of December, 2021.

Ms. Driehaus, YES


Ms. Reece, YES

Ms. Summerow Dumas, YES

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution adopted by this Board of County Commissioners in session the 16<sup>th</sup> day of December, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Office of County Commissioners of Hamilton County, Ohio this 16<sup>th</sup> day of December, 2021.

  
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Leslie Hervey, Clerk (Interim)  
Board of County Commissioners  
Hamilton County, Ohio

**FLOOD DAMAGE PREVENTION REGULATIONS FOR  
UNINCORPORATED HAMILTON COUNTY, OHIO**

**Section 1.0 GENERAL PROVISIONS**

**Section 1.1** All applicable flood plain management rules, regulations, codes, and resolutions, shall be adjusted, revised, modified, amended, or augmented by the various administrative agencies of the Board of County Commissioners, independent regulatory agencies, and by the Board of County Commissioners, as required by the Ohio Revised Code, (Section 307.37) to properly reflect at least the minimum requirements of these Regulations, and the National Flood Insurance Program, as specified in 44 CFR Section 59.1, and 60.3 et seq., which are hereby adopted by reference and declared to be a part of these Regulations. Therefore, the Commissioners of Hamilton County, State of Ohio does ordain as follows:

**Section 1.2 Findings of Fact**

The unincorporated Areas of Hamilton County have special flood hazard areas (SFHA) that 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. Additionally, structures that are inadequately elevated, flood proofed, or otherwise protected from flood damage also contribute to the flood loss. To minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

**Section 1.3 Statement of Purpose**

It is the purpose of these regulations to promote the public health, safety, and general welfare, and to:

- A. Protect human life and health.
- B. Minimize expenditure 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 to protect property and minimize future flood blight areas.
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- H. Minimize the impact of development on adjacent properties within and near flood prone areas.
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained.
- J. Minimize the impact of development on the natural, beneficial values of the floodplain.
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- L. Meet community participation requirements of the National Flood Insurance Program.

**Section 1.4 Methods of Reducing Flood Loss**

To accomplish its purposes, these regulations include 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 floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
- D. Controlling filling, grading, dredging, excavating, 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 1.5 Abrogation and Greater Restrictions**

These regulations are not intended to repeal any existing resolutions including subdivision regulations, zoning, or building codes. In the event of a conflict between these regulations and any other resolution, the more restrictive shall be followed. These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**Section 1.6 Interpretations**

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

- 1) Considered as minimum requirements.
- 2) Liberally construed in favor of the governing body; and,
- 3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of this resolution may conflict with a state law, such state law shall take precedence over the ordinance.

**Section 1.7 Warning and Disclaimer of Liability**

The degree of flood protection required by these regulations 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. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of Hamilton County, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations, or any administrative decision lawfully made thereunder.

**Section 1.8 Severability**

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 1.9 **SPECIAL FLOOD HAZARD AREAS**

**Lands to Which These Regulations Apply:** These regulations shall apply to all areas of special flood hazard within the jurisdiction of the Unincorporated Areas of Hamilton County as identified in this Section 1.9.

**Basis for Establishing the Areas of Special Flood Hazard**

For the purposes of these regulations, the following studies and/or maps are adopted:

- A. Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for Hamilton County, Ohio, and Incorporated Areas both effective February 16, 2012.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the 138 East Court Street, Room 800, Cincinnati, OH 45202.

- B. Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways, or delineation of other areas of special flood hazard include:

Storm Drainage and Open Space Master Plan for Hamilton County, Ohio, (Consoer, Townsend and Associates, December 1966) (Criteria for revisions and amendments must be followed within Zones A, AE etc. on the FIRM); and

- C. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by Hamilton County as required by Section 4.8 Subdivisions and Other New Developments.
- D. Flood Insurance Rate Maps are the official community maps that show special flood hazard areas and the risk premium zones. Digital FIRMs and FIRMettes obtained from the National Flood Hazard Layer (NFHL) (a geospatial database made from effective flood maps and Letters of Map Change (LOMC)) are official NFIP maps and may be used for flood risk determinations. FEMA produced Q3 Flood Data, which includes certain features of the FIRM, and may be used for insurance purposes and planning activities, cannot be used as the official NFIP map for site design or flood risk determinations.

Section 2.0 **DEFINITIONS**

Unless specifically defined below, words or phrases used in these regulations shall be interpreted to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Section 2.1 "**Accessory Structure**" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Section 2.2 "**Appeal**" means a request for review of the floodplain administrator's

interpretation of any provision of these regulations or a request for a variance. (see Section of these Regulations for "Appeals and Variances")

Section 2.3 **"Area of Special Flood Hazard"** Also known as "Special Flood Hazard Area" or SFHA.

Section 2.4 **"Base flood"** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the as the 1% chance annual flood or one hundred (100) year flood.

Section 2.5 **"Base (100-Year) Flood Elevation (BFE)"** means the water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL).

Section 2.6 **"Basement"** means any area of the building having its floor subgrade (below ground level) on all sides.

Section 2.7 **"Building"** means:

- 1) A structure with 2 or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; or
- 2) A manufactured home (a "manufactured home," also known as a mobile home, is a structure built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
- 3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.
- 4) "Building" does not mean a gas or liquid storage tank or a recreational vehicle, a park trailer, or other similar vehicle, except as described above.

Section 2.8 **"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.

Development includes but is not limited to accessory structures, garages, sheds, pole buildings or other structures such as bridges, fences, retaining walls, towers, utility poles, and nonstructural development such as mining operations, dredging, filling, grading, riverbank restoration, paving, excavation or drilling operations or storage of equipment or materials.

**"Development" Comment:**

The NFIP Regulations require that all proposed developments within the special flood hazard area, or 100-year floodplain, must be reviewed to determine if the activity falls within the scope of the local Flood Damage Prevention Regulations (FDPR). In addition to "structural" development proposals (e.g., new construction and improvements to existing structures), "nonstructural" developments (e.g., filling, grade alterations, excavations, stream bank restoration and mining or drilling activities) must be reviewed through the local permit process to ensure that the proposed developments will not be affected by floodwaters and not adversely affect any other areas of the SFHA. Other examples of development activities include storage of materials and equipment, dredging operations, paving and demolition of existing structures. Development also includes all work located on properties that have been zoned for agricultural use only. These

properties/structures must also meet the minimum requirements set forth by the NFIP if it has been determined that the development is located within a Special Flood Hazard Area.

- Section 2.9 **"Enclosure Below the Lowest Floor"** See "Lowest Floor"
- Section 2.10 **"Encroachment"** means any development (as defined) within the regulatory floodway of any special flood hazard area, as defined in Section 2.24 of these Regulations, which will result in any increase in base (100 year) flood level, during the occurrence of the base flood discharge. Encroachment is determined by application of the equal degree of encroachment principle to the proposed development.
- Section 2.11 **"Equal Degree of Encroachment"** means a standard applied in determining the location of floodway limits so that both sides of a stream can convey a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the flood plain along both sides of a stream for a significant reach.
- Section 2.12 **"Executive Order 11988 (Floodplain Management)"** means the executive order issued by President Carter in 1977, this order requires that no **federally assisted activities** be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- Section 2.13 **"Federal Emergency Management Agency"** (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- Section 2.14 **"Fill"** means a deposit of earth material placed by artificial means.
- Section 2.15 **"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 waters, and/or  
 2) The unusual and rapid accumulation or runoff of surface waters from any source  
 3) **Flood Fringe** means the portion of the floodplain outside the floodway that is usually covered with water from the 100-year flood or storm event and extends to the limits of the 100 year boundaries of the Special Flood Hazard Area as designated by the Federal Emergency Management Agency (FEMA)/Flood Insurance Rate Map (FIRM).
- Section 2.16 **"Flood Damage Prevention Regulations"** (FDPR) to which these regulations are called.
- Section 2.17 **"Flood Hazard Boundary Map (FHBM)"** usually means the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas. The FHBM has been superseded by the current effective FEMA FIRM maps and FIS study.
- Section 2.18 **"Flood Insurance Rate Map (FIRM)"** means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- Section 2.19 **"Flood Insurance Risk Zones"**

Zone designations on FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

**Zone A:**

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.

**Zones A1-30 and Zone AE:**

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.

**Zone AO:**

Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

**Zone AH:**

Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

**Zone A99:**

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

**Zone B and Zone X (shaded):**

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

**Zone C and Zone X (unshaded):**

Areas determined to be outside the 500-year floodplain.

Section 2.20 "**Flood Insurance Study (FIS)**" means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Section 2.21 "**Floodplain Administrator**" see definition in section 13.0.

Section 2.22 "**Flood Proofing**" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures, and their contents.

Section 2.23 "**Flood Protection Elevation (FPE)**" means the base flood elevation plus one (1) foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations as determined and approved by the Floodplain Administrator.

Section 2.24 "**Floodway**" means the channel of a river or other watercourse and the adjacent land areas that have been reserved to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one (1.0) foot at any point within the community.



The floodway is an extremely hazardous area and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Section 2.25 **"Freeboard"** means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Section 2.26 **"Historic Structure"** means any structure that is:

- 1) 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 listings on the National Register.
- 2) 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.
- 3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
- 4) Individually listed on the inventory of historic places maintained by Hamilton County's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

"Historic Structure" Comment:

For more information about a structure's historic designation contact the Ohio History Connection, 800 E 17<sup>th</sup> Avenue, Columbus, OH.

Section 2.27 **"Hydrologic and Hydraulic engineering analysis"** (H&H) means an analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Section 2.28 **"Letter of Map Change (LOMC)"** means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

**"Letter of Map Amendment (LOMA)"** means a revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

**"Letter of Map Revision (LOMR)"** means a revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain, and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

**"Conditional Letter of Map Revision (CLOMR)"** means a comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

- Section 2.29 **"Lowest Floor"** means the lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or limited storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.
- Section 2.30 **"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. The term "Manufactured Home" does not include a "Recreational Vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Section 3781.06 of the Ohio Revised Code. See "Recreational Vehicle" Section 2.36.
- Section 2.31 **"Manufactured Home Park"** means (as specified in the Ohio Administrative Code 4781-12-01(K)), any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured Home Park does not include any tract of land used solely for the storage or display for sale of manufactured homes.
- Section 2.32 **"Mean sea level"** means (for the purposes of the National Flood Insurance Program), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- Section 2.33 **"National Flood Insurance Program (NFIP)"** means the Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
- Section 2.34 **"New Construction"** means structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by

Hamilton County and includes any subsequent improvements to such structures.

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM [June 1, 1982] and includes any subsequent improvements to such structures.

- Section 2.35 **"Person"** Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Rev. Code §111.15(A)(2) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.
- Section 2.36 **"Recreational Vehicle"** means a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- Section 2.37 **"Registered Professional Architect"** means a person registered to engage in the practice of architecture pursuant to Ohio Rev. Code 4703.01 and 4703.19.
- Section 2.38 **"Registered Professional Engineer"** means a person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.
- Section 2.39 **"Registered Professional Surveyor"** means a person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733
- Section 2.40 **"Special Flood Hazard Area (SFHA)"** (Also known as "Areas of Special Flood Hazard") means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1 30, or A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.
- Section 2.41 **"Start of Construction"** means the date the building 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 filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of 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.

Section 2.42 "**Structure**" means that which is built or constructed including but not limited to: walled and or roofed buildings, manufactured home, gas, or liquid storage tank that may be above or below ground, retaining walls, bridges, cell towers, fences, shelters, lean-to, and monument entry wall/signs. All structures may not be considered a building as defined in Section 2.7 "Building".

Section 2.43 "**Substantial Damage (SD)**" 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 damage also means repetitive flood-related damage sustained by a structure on two or more separate occasions during a 10-year period for which the total cost of repairs cumulatively equals or exceeds 50 percent of the market value of the structure before the damage occurred.

Section 2.44 "**Substantial Improvement (SI)**" means any repair, reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

- 1) Any project for improvement of a structure to correct or comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living/operating conditions, or
- 2) Any alteration of a structure individually listed on the National Register of Historic Places or State Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as a "Historic Structure".

Substantial improvement also means improvements, rehabilitation, or additions to a structure on two or more separate occasions during a 10-year period for which the total cost of improvements cumulatively equals or exceeds 50 percent of the market value of the structure before the first improvement occurred.

All damage or improvements to any property or structure within any SFHA of Hamilton County has been reviewed from the time the first FIRM (Flood Insurance Rate Maps) went into effect on June 1, 1982.

Section 2.45 "**Temporary**" means any development including non-structural development such as fill, or storage of material, manufactures homes, structures and recreational vehicles placed on sites within the SFHA on the community's FIRM which is on the site for fewer than 180 consecutive days, and must be permitted through the floodplain permitting process as required by Section 5.0 of these regulations.

Section 2.46 "**Variance**" means a grant of relief from the standards of these regulations consistent with the variance conditions herein. (See Section 14.0 of these

regulations.)

**Section 2.45 "Violation"**

The failure of a structure or other development to be fully compliant with these regulations.

**Section 2.46 "Watercourse"** means any river, stream, or tributary having defined banks and a defined flood hazard area identified by the special flood hazard areas of Section 1.9 of these regulations.

**SECTION 3.0 STANDARDS:**

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1.9 or 9.1(A) or 9.2:

**Section 3.1 Use Regulations**

**A. Permitted Uses**

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by Hamilton County are allowed provided they meet the provisions of these regulations.

**Section 4.0 General Standards**

**A.** Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

All new construction and substantial improvements shall:

- 1) Be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- 2) Be constructed with materials resistant to flood damage.
- 3) Be constructed by methods and practices that minimize flood damages; and
- 4) Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within such components during conditions of flooding.

**B.** All public and private utilities and facilities, including, but not limited by enumeration to, sewer, on site waste disposal systems, gas, electrical, storm drainage, and potable water systems, shall be located and constructed in such a manner as to minimize or eliminate the flow or infiltration of flood waters into or out of such systems during and after a base (100 year) flood discharge, and to eliminate flood damage to them.

- C. All Storm Water drainage systems shall be designed to minimize or eliminate exposure to surface flooding of any kind or from any source, for on and off site existing and new construction, substantial improvements, and other development.
- D. Any property developed for commercial use or when more than one (1) single family dwelling is proposed to be developed on the said property and the only means of access to the property is within a Special Flood Hazard Area, under **44 CFR Section 60.22(7) Planning considerations for flood-prone areas**, a provision shall be made for alternative vehicular access, including emergency vehicles and escape route shall be provided to the site when normal access to the property is blocked, inundated or destroyed by flood waters.

#### Section 4.1 Residential Structures

The requirements of Section 4.0 & 4.1 apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, and AE, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 9.2. New construction and substantial improvement(s):

- A. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (4.1(A)) and construction materials resistant to flood damage (4.1(B)) are satisfied.
- B. Shall be constructed with methods and materials resistant to flood damage.
- C. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated to prevent water from entering or accumulating within the components during conditions of flooding.
- D. Of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
- E. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure must be certified by a registered professional engineer or architect may have an enclosure below the lowest floor provided the enclosure meets or exceeds the following standards:
  - 1) Be used only for the parking of vehicles, building access, or storage; and
  - 2) be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
  - 3) have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens,

louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- 4) When interior and exterior grades are different, the higher of the finished exterior grade immediately under each opening and the final interior grade or floor shall be used to determine the position of flood openings according to the requirements outlined in FEMA Technical Bulletin 1, Section 8.2.

- F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- G. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 4.1.

**Section 4.2 Nonresidential Structures**

The requirements of Section 4.2 apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, and AE, when designated on the community's effective FIRM, and when designated on a

preliminary or final FIRM issued by FEMA under the circumstances provided in Section 9.2.

- A. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet the requirements of Section 4.1 (A) – (C) and (E) – (G).
- B. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
  - 1) Be dry flood proofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation.
  - 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
  - 3) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 4.2(B)(1) and (2).

**Section 4.3 Recreational Vehicles**

Recreational vehicles on sites within zones A, A1-A30, and AE must meet at least one of the following standards:

- A. They shall not be located on sites in special flood hazard areas for more than 180 days, or
- B. They must be fully licensed and ready for highway use, or

- C. They must be placed on the site pursuant to a floodplain development permit issued under Sections 5.0 and 5.1 and meet all standards of Section 4.1.

**Section 4.4 Gas or Liquid Storage Tanks**

- A. Within zone A, A1-A30, and AE, new or substantially improved above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

**Section 4.5 Accessory Structures**

Structures (e.g. shed, detached garages) containing 576 square feet or less, which are designed to have low flood damage potential, are placed on the building site so as to offer minimum resistance to the flow of flood waters, have service facilities such as electric and heating equipment elevated above the flood protection elevation, are properly anchored to prevent flotation, which are not used for human habitation, and meet the standards of Section 4.1(E), are exempted from elevation or dry flood proofing standards. This Section shall not apply to accessory structures located within any regulatory floodway as defined in Section 2.24 above.

**Section 4.6 Manufactured Homes**

- A. The Ohio Department of Commerce, Division of Industrial Compliance has established uniform standards that govern the permitting, installation, and inspection of manufactured housing and development within licensed manufactured home parks as outlined in Ohio Administrative Code 4781-12.
- B. Hamilton County will review the installation and/or removal of manufactured homes in special flood hazard areas outside of licensed manufactured home parks.
  - 1) The lowest floor of a manufactured home must be elevated to the flood protection elevation. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - 2) Meet the standards for Section 4.1(F)

**Section 4.7 Water and Wastewater Systems**

The following standards apply to all water supply, sanitary sewerage, and waste disposal systems in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

**Section 4.8 Subdivisions and Other New Developments**



- A. All subdivision proposals governed by the Rules and Regulations of the Regional Planning Commission of Hamilton County, Ohio, for the Subdivision of Land, and other proposed developments containing at least fifty (50) lots or five (5) acres (whichever is less), shall include, on the surface of any required improvement plan, record plat, preliminary development plan, zone change petition plat, or other graphic or written materials, accurate written and graphic information about the base (100 year) flood elevation, where such areas are within Zones AE and the unnumbered A Zones on the Flood Insurance Rate Map for Unincorporated Hamilton County, Ohio, or the 50 year flood elevation, for all other special flood hazard areas, as it pertains to the proposed development. All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations
- B. In all special flood hazard areas where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less. For developments smaller than 50 lots or 5 acres, each individual application will be reviewed for compliance and a determination will be made if, additional flood calculations will be required for said development.
- C. The applicant shall meet the requirement to submit technical data to FEMA in Section 9.0(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 4.8(B) of these regulations.
- D. All subdivision proposals governed by Rules and Regulations of the Regional Planning Commission of Hamilton County, Ohio, for the Subdivision of Land and all other proposed new development, shall:
  - 1) Be consistent with the need to minimize flood damage.
  - 2) Shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
  - 3) Shall have adequate drainage provided to reduce exposure to flood damage; and
  - 4) Provisions for alternative vehicular access and escape routes when the main entrance or normal access routes are blocked or destroyed by flood waters, see Section 4.0(D) of these Regulations.

Section 5.0 **Floodplain Development Permits**

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction, temporary construction, alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.9, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

Section 5.1 **Application Required**

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area and shall be made on forms furnished by the Hamilton County Department of Planning and Development Storm Water + Infrastructure Division prior to the start of any construction, reconstruction, or other development. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing and proposed structures, which include bridges, fords, levees, dikes and all non-habitable structures, fill, storage of materials, drainage facilities, and the location of the foregoing. A "Special Flood Hazard Area Development Permit" shall not be issued unless the development proposal meets all the requirements of this regulation. Applications for Special Flood Hazard Area Development Permits shall be initiated in the office of the Hamilton County Department of Planning and Development Storm Water + Infrastructure Division. Specifically, the following information is required:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question, the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures.
- D. Elevation in relation to mean sea level to which any proposed structures will be flood proofed
- E. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with and provide enforcement of these regulations.
- F. **Technical analyses** conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
  - 1) **Flood Proofing** certification by a registered professional engineer or architect for non-residential flood proofed structure as required in Section 4.2.
  - 2) Certification that fully enclosed areas below the lowest floor of a structure must meet the design requirements of Section 4.1(E).
  - 3) Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 11.0(C).
  - 4) A hydrologic and hydraulic analysis (H&H) demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations, but no floodway as required by Section 11.0(B).

- 5) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 11.0(A).
- 6) Generation of base flood elevation(s) for subdivision and other new developments as required by Section 4.8.
- 7) Description of the extent of all filling, grading and other non-building activities.
- 8) **Site Plans Requirement for "Development" within SFHA's:**  
For all "developments" as defined in Section 2.8 taking place within any special flood hazard area delineated on the FIRM or the Consoer Townsend Open Space and Master Plans, a plot and/or site plan is required. Per Hamilton Counties Plot and/or Site Plan Requirements effective May 27, 2007 and the Hamilton County Building Code HC. A106.8.6, applicants are required to provide a site plan that consists of the lot or site upon which it is intended to build, erect, alter or add to a building or property which plan shall be based on an on-site topographic survey made within 180 days of the application, prepared and certified by a land surveyor.

A separately prepared plot or site plan may be submitted, so long as it identifies fully the survey or other document on which it is based, and provided that a copy of the survey or other document is also attached to the set of drawings. In any event, the plot or site plan shall provide and be drawn to uniform scale showing, but not limited to; accurate grading and drainage information, determine existing and proposed grades, contours, proposed accessory structures, sewers, storm drainage facilities and drainage information, downspout discharges, the location of all easements, pool decks/pavement, retaining walls, and landscaping. This grading and drainage information shall properly and completely reflect the requirements of Section HC.C105 & 106 of this code.

- 9) Buildings/Bridges. All permits involving construction, repair, improvement, or addition to buildings shall be issued by the Department of Planning and Development Building + Inspection Division. If a permit application involves both building and non-structural development activities, the permit application shall be reviewed and receive approval by the Storm Water + Infrastructure Division before being transmitted to the Building + Inspection Division for review and approval of structural plans.
- 10) Nonstructural. All permits which include filling, grading, paving, dredging, mining, excavation, drilling, or storage of equipment or materials, operations or any non-building type nonstructural activity shall be issued by the Department of Planning and Development Storm Water + Infrastructure Division.
- 11) Temporary Development. All temporary development as defined in Section 2.45 must be reviewed for compliance by the Hamilton County Department of Planning and Development Storm Water + Infrastructure Division.
- 12) All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion. When a development is not completed within the one (1) year permit expiration date after issuance, a Flood Permit extension may be requested by the property owner/developer to the Floodplain

Administrator. All permit extension requests must be made on forms provided by the Hamilton County Department of Planning and Development Storm Water + Infrastructure Floodplain Management Division and may include, but not be limited to a new Special Flood Hazard Area Application, and an updated site plan showing the current status of the development and the expected completion date for the same.

## Section 5.2 Review and Approval of a Floodplain Development Permit Application

### A. Review

- 1) After receipt of a complete application, the Department of Planning and Development Storm Water + Infrastructure Floodplain Management Division shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 5.1 has been received by the Floodplain Administrator.
  - a. The Department of Planning and Development Storm Water Division shall review all nonstructural development permits to determine that the permit requirements of these Regulations have been satisfied.
  - b. The Department of Planning and Development Storm Water + Infrastructure Division and the Building Commissioner shall review all building permits to determine that the permit requirements of these Regulations have been satisfied. No floodplain development permit application shall be reviewed until all information required in Section 5.1 has been received by the Floodplain Administrator.
- 2) The Floodplain Administrator or his or her designee shall review all floodplain development permit applications 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 U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.
- 3) Review all development permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provisions of Section 11.0 are met.

### B. Approval

The Floodplain Administrator shall either approve or disapprove the application. If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the flood permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been

substantially begun and is thereafter pursued to completion. Flood permits will expire within one year of issuance.

Section 5.3 **Inspections**

The Floodplain Administrator or his/her designee shall make periodic inspections at appropriate times throughout the period of construction to monitor compliance with permit conditions.

Section 5.4 **Post-Construction/Development Certifications Required**

The following as-built certifications are required after a floodplain development permit has been issued:

- A. For new or substantially improved residential structures, or nonresidential structures located within a Special Flood hazard Area in the unincorporated areas of Hamilton County, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered land surveyor or engineer authorized by law to certify the as-built elevation data. An Elevation Certificate will also be required for development proposed in all other areas that may be inundated by flood waters but are not in flood hazard areas but designated by:

- 1) Storm Drainage and Open Space Master Plan for Hamilton County, Ohio, (Consoer, Townsend and Associates, December 1966) (Criteria for revisions and amendments must be followed within Zones A, AE etc. on the Firm); and

An elevation certificate may be required on forms provided by the Hamilton County Department of Planning and Development Storm Water + Infrastructure Division at the completion of construction but before a Temporary Certificate of Occupancy (TCO) may be issued by the Building Department.

- B. For all non-building development activities, a "Certification of Compliance" will be required to be submitted for approval. Upon completion of the activity authorized by the flood permit and any mitigation required, a professional engineer, architect, or surveyor must sign the "Certification of Compliance" accompanied with an as-built site plan verifying the completion of the development has met the requirements set forth on the approved plans.
- C. For new or substantially improved nonresidential structures that have been flood proofed in lieu of elevation, where allowed, the applicant shall supply a completed *Flood Proofing Certificate for Non-Residential Structures* completed by a registered professional engineer or architect together with associated documentation.
- D. For new and substantially improved residential structures whereas all portions of the development below the lowest floor (including the basement) that have been flood protected, where allowed, the applicant shall supply a completed Hamilton County *Residential Flood Protection Certification* completed by a registered professional engineer or architect together with associated documentation.
- E. For all development activities subject to the standards of Section 9.0(A), a Letter of Map Revision.

**Section 5.5 Information to be Obtained and Maintained.**

- A. The Zone in which the development activity is located as determined by reference to Section 2.19.
- B. The FPE as established in Section 2.23.
- C. The vertical datum for elevation data was shifted to North American Vertical Datum of 1988 (NAVD88). Actual elevation(s) (NAVD88) of the lowest floor, including basement of all new or substantially improved structures, and whether the structures contain a basement (as defined herein per definition "basement") shall be certified by a registered professional or land surveyor. Any calculations showing datum conversion from National Geodetic Vertical Datum of 1929 (NGVD29) to NAVD88 must be provided.
- D. For all new or substantially improved nonresidential dry-flood proofed structures:
  - 1) Actual lowest floor elevation, the elevation to which the structure is flood proofed and certification that the flood proofing requirements of Section 4.2, the Hamilton County Building Code and the Ohio Building Code have been met.
- E. For all development activities to be located within a floodway identified in Section 2.24, hydrologic and hydraulic analysis performed in accordance with standard engineering practices, and certification by a registered professional engineer that the requirements of Section 11.0(A) have been met.
- F. Maintain for public inspection all records pertaining to the provisions of this ordinance, including base flood elevation data, Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, variance documentation, Conditional Letters of Map Revision, Letters of Map Revision, Letters of Map Amendment, and as-built elevations.

**Section 6.0 Revoking a Floodplain Development Permit**

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Variance Board in accordance with Section 14.0 of these regulations.

**Section 7.0 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 nonstructural development activities (except for filling and grading) valued at less than \$1,000.00.

**Section 8.0 State and Federal Development**

- A. Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.
- B. Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the

satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:

- 1) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.
  - 2) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
  - 3) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- C. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.
- 1) Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.

Section 9.0 **Map Maintenance Activities**

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that Hamilton County's flood maps, studies and other data identified in Section 1.9 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- A. Requirement to Submit New Technical Data
- 1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
    - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries.
    - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area.
    - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
    - d. Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 4.8.
  - 2) It is the responsibility of the applicant to have technical data, required in accordance with Section 9.0(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
  - 3) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
    - a. Proposed floodway encroachments that increase the base flood elevation; and

- b. Proposed development which increases the base flood elevation by more than one foot in riverine areas where FEMA has provided base flood elevations but no floodway.
  - 4) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 9.0(A)(1).
- B. Right to Submit New Technical Data
 

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Board of County Commissioners of Hamilton County and may be submitted at any time.
- C. Annexation / Detachment
 

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Hamilton County have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Hamilton County's Flood Insurance Rate Map accurately represent the Hamilton County boundaries, include within such notification a copy of a map of the Hamilton County suitable for reproduction, clearly showing the new corporate limits or the new area for which the Hamilton County has assumed or relinquished floodplain management regulatory authority.

#### Section 9.1 Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 14.0, Appeals and Variances.
- D. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other



developments, affecting any part of the area of the development.

**Section 9.2 Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data**

**A. Zone A:**

- 1) Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall reasonably utilize as best available data.
- 2) When all appeals have been resolved and a notice of final food elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.

**B. Zones AE, A1-30, AH, and AO:**

- 1) BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,
  - a. Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.
  - b. Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.
- 2) If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 11.0(B) since the data in the draft or preliminary FIS represents the best data available.

**C. Zones B, C, and X:**

- 1) Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

**Section 10.0 Substantial Damage Determinations**

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged structures are located in special flood hazard areas.
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- C. Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process.

These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims

Section 11.0 **Assurance of Flood Carrying Capacity**

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

A. **Development in Floodways**

- 1) In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
- 2) Development in floodway areas causing increases in the base flood elevation may be permitted provided all the following are completed by the applicant:
  - a. Meet the requirements to submit technical data in Section 9.0(A).
  - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible.
  - c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation.
  - d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
  - e. Concurrence of the Board of County Commissioners of Hamilton County and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. **Development in Riverine Areas with Base Flood Elevations but No Floodways**

- 1). In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,

- 2). Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all the following are completed by the applicant:
  - a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible.
  - b. Section 11.0(A)(2), items (a) and (c)-(e).

C. Alterations of a Watercourse

For these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

- 1) The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a 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 bankfull flood carrying capacity of the watercourse will not be diminished.
- 2) Prior to any alteration or relocation of a watercourse for which flood hazard areas have been identified on a community's Flood Insurance Rate Map or Hamilton County's, Storm Drainage and Open Space Master Plan (Consoer, Townsend and Associates, December 1966), adjacent communities, and the Ohio Department of Natural Resources, Division of Water Resources, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency. FEMA must receive evidence of the notification. The main purpose of the notification is to invite comment by communities which may be affected by the stream alteration or relocation. Additionally, the appropriate district office of the U.S. Army Corps of Engineers should be contacted since such activity may be subject to federal permit requirements under Section 404 of the Clean Water Act. Proper notification of a watercourse alteration or relocation should include a map and supplemental information.
- 3) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with Hamilton County specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

- 4) The applicant shall meet the requirements to submit technical data in Section 9.0(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.
- 5) New construction, substantial improvements, or other development (including fill, bridge repair or replacement) 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 and as outlined in Section 9.0 and Section 11.0 above.

**Section 12.0 NOTIFICATION OF INCREASED FLOOD RISK**

**Section 12.1** In the case of any permitted accessory structures, or any development permitted under Section 4 of these Regulations, the following language shall be stamped on all site plans, plats and other written or graphic materials which may be construed as constituting authorization, in whole or in part, for such construction:

"This development is located within a Special Flood Hazard Area (SFHA). The lowest floor including the basement must be elevated or dry flood proofed to a minimum of 1' above the Base Flood Elevation (BFE) as indicated below. A FEMA Elevation Certificate or Dry Floodproofing Certificate must be submitted at the end of construction and before final approval may be granted."

**Section 13.0 ADMINISTRATION**

**Section 13.1 Designation of the Floodplain Administrator**

The Director of the Department of Planning and Development and/or his or her designee is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

**Section 13.2 Duties and Responsibilities of the Floodplain Administrator**

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- E. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, flood proofing certificates, variances, and records of enforcement actions taken for violations of these regulations.
- F. Enforce the provisions of these regulations.

- G. Acts as the Hamilton County Board of Storm Drainage Variance and Appeals Coordinator for all floodplain and storm water variance requests.
- H. Provide information, testimony, or other evidence as needed during variance hearings.
- I. Coordinate map maintenance activities and FEMA follow-up.
- J. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

**Section 14.0 APPEALS AND VARIANCES**

**Section 14.1** The Hamilton County Board of Storm Drainage Variance and Appeals is hereby appointed to serve as the Appeals Board for these regulations. Records of the Appeals Board shall be kept and filed 138 East Court Street, Cincinnati, OH 45202.

Any person aggrieved of any decision of an administrative officer of Hamilton County, Ohio, which is based on the provisions of these Regulations, may appeal such decision, or seek a variance from the provisions of these Regulations, or any other rules, regulations, codes, or resolutions affected by these Regulations, as follows:

- A. From the Zoning Resolution for the Unincorporated Territory of Hamilton County, Ohio; to the Hamilton County Board of Zoning Appeals; and
- B. From the Hamilton County Board of Storm Drainage Variance and Appeals (Vol. 218, Image 762, et seq.) Adopted May 8, 1985; and
- C. From the Building Code of Hamilton County, Ohio, and the Ohio Building Code to the Hamilton County Board of Building Appeals; and
- D. From the Rules and Regulations of the Hamilton County Hamilton County Planning + Development Storm Water Drainage System (SDS) Rules and Regulations Governing the Design, Construction, Operation, Maintenance, and Use in the County of Hamilton Storm Drainage System; to the Hamilton County Board of Storm Drainage Variances and Appeals; and
- E. From the Rules and Regulations of the Department of Planning and Development of Hamilton County, Ohio, for the Subdivision of Land to the Hamilton County Regional Planning Commission; and
- F. From all other rule's regulations, codes, or resolutions of the County so affected, to the Court of Common Pleas of Hamilton County, Ohio, as provided for in Chapter 2506 of the Ohio Revised Code.
- G. A hearing on the matter maybe requested or granted before the Storm Drainage Variance and Appeals Board provided that such applicant shall file within (15) business days prior to the date of a scheduled Board meeting in order for the request to be heard at that meeting. A brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision must be

Commented [SA1]: Greg will add reference to any subsequent revised document.

submitted before the official request may be made. All Variance and Appeals requests must adhere to the Rules and Procedure of the Hamilton County Board of Storm Drainage Variance and Appeals under Article III. Such variance requests shall be in writing, signed by the applicant; and be filed with the Floodplain Administrator. Upon receipt of the variance request, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

- H. Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

Section 14.2 Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

A. Application for a Variance

- 1) Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- 2) Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
- 3) All applications for a variance shall be accompanied by a Variance Application fee set in the Schedule of Fees adopted by Hamilton County Board of Storm Drainage Variance and Appeals.

B. Notice for Public Hearing

The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

C. Public Hearing

At such hearing, the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- 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 community.
- 5) The availability of alternative locations for the proposed use that 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 floodplain 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 floodwaters and the effects of wave action, if applicable, expected at the site.
- 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.

Any request for a variance from the requirements of these Regulations shall be reviewed by the appropriate body identified in Section 14.1, above, using the guidance and procedures contained in 44 CFR 60.6(a).

Variations 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 due to the physical characteristics of the property. **Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.**
3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

D. Other Conditions for Variations

1. Variations shall **not** be issued within any designated floodway if **any increase** in flood levels during the base flood discharge would result from the proposed development.
2. Generally, variations 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 in Section 14.2(C)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the

technical justification required for issuing the variance increases.

3. 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 the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

E. Procedure at Hearings

- 1) All testimony shall be given under oath.
- 2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- 3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- 4) The administrator may present evidence or testimony in opposition or in support to the appeal or variance.
- 5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- 6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- 7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- 8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing or at a time given by the Board to the applicant and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

F. Appeal to the Court

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Hamilton County Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506.

Section 15.0 **ENFORCEMENT**

Section 15.1 **Compliance Required**

- A. No structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these Regulations and all other applicable regulations which apply to uses within the jurisdiction of these Regulations, unless specifically exempted from filing for a development permit as stated in Section 7.0.
- B. Failure to obtain a floodplain development permit (for all development propose within the SFHA) shall be a violation of these regulations and shall be punishable in accordance with Section 15.3.
- C. Floodplain development permits issued based on plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 15.3.

Section 15.2 **Notice of Violation**



Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- A. Be put in writing on an appropriate form.
- B. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will affect compliance with the provisions of these regulations.
- C. Specify a reasonable time for performance.
- D. Advise the owner, operator, or occupant of the right to appeal.
- E. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

**Section 15.3 Violations and Penalties**

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense and shall constitute a minor misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of Hamilton County. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Hamilton County from taking such other lawful action as is necessary to prevent or remedy any violation. Hamilton County shall prosecute any violation of these regulations in accordance with the penalties stated herein.

**Section 16.0 TECHNICAL LIMITATIONS AND AMENDMENTS**

**Section 16.1** The adoption of these Regulations does not imply that the Board of County Commissioners of Hamilton County, Ohio, accepts that the Flood Insurance Rate Map and Flood Insurance Study for the Hamilton County, Ohio (Federal Emergency Management Agency) are free from technical or graphic error(s) in the whole or in part.

**Section 16.2** The Board of County Commissioners of Hamilton County, Ohio, reserves the right at any time to challenge the technical or graphic accuracy of any or all the scientific and engineering reports and accompanying maps and profiles made a part of these Regulations by reference, and to pursue whatever course necessary to ensure that they accurately reflect the existing conditions within unincorporated Hamilton County, Ohio.

**Section 16.3** Any person who believes that the Flood Insurance Rate Map and Flood Insurance Study for the Hamilton County, Ohio (Federal Emergency Management Agency) are technically or graphically incorrect and/or revisions/amendments that have been made (this includes Letters of Map Change (LOMC) due to development and that may be in error may request that the Board of County Commissioners of Hamilton County, Ohio, petition the Federal Emergency Management Agency to correct these documents so that they accurately reflect the existing conditions within unincorporated Hamilton County, Ohio, in the following manner:

- a) Property owners or others who wish to make such a request should contact the Federal Emergency Management Agency to receive instructions on its information requirements for reviewing such a request.
- b) Property owners or others who wish to make such a request should then submit five (5) copies of all required technical, graphic, and other material to the Hamilton County Department of Planning and Development Storm Water Division.
- c) The Department of Planning and Development Storm Water + Infrastructure Division shall review and comment upon and shall likewise submit all such requests to the Hamilton County Engineer, the Hamilton County Planning and Zoning Division, and others for review and comment.
- d) Upon receipt of these reviews and comments on such requests, the Department of Planning and Development Storm Water + Infrastructure Division shall submit the same, together with all required technical, graphic, and other material, to the Board of County Commissioners of Hamilton County, Ohio, for its transmittal of same to the Federal Emergency Management Agency, for its review and determination. The Board of County Commissioners of Hamilton County, Ohio, reserves the right to transmit such documents with its own comments or recommendations after reviewing the submitted documents and comments of other County Agencies.
- e) Upon a determination by the Federal Emergency Management Agency that the above referenced scientific and engineering reports are in error, and its transmittal to the Board of County Commissioners of Hamilton County, Ohio, of appropriate corrections to said documents, all county agencies involved shall proceed to amend, modify, revise, adjust, or augment their rules, regulations, codes, resolutions, maps, and other regulatory materials, as necessary, to reflect such corrections at the earliest date.