

1501:22-1-01 Definitions.

For purposes of rules 1501:22-1-08"1501:22-1-08 of the Administrative Code:

(A) "Appurtenant structure" means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure.

(B) "Appeal" means a request for a review of the county or municipal corporation permit administrator's interpretation of any provision of the flood damage prevention regulations or a request for a variance.

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

(D) "Area of special flood hazard" is the land in the floodplain within a county or municipal corporation subject to a one per cent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, VO, V1-30, VE, or V.

(E) "Base flood" means the flood having a one per cent chance of being equalled or exceeded in any given year. The base flood is also referred to as the one-hundred year flood.

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

(G) "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(H) "Coastal area" means the waters of lake Erie, the islands in the lake, and the lands under and adjacent to the lake, including transitional areas, wetlands, and beaches. The coastal area extends in lake Erie to the international boundary line between the United States and Canada and

landward only to the extent necessary to include shore-lands, the uses of which have a direct and significant impact on coastal waters as determined by the director of natural resources.

(I) "Coastal flood hazard area" means any territory within the coastal area that has been identified as a special flood hazard area under the Flood Disaster Protection Act of 1973, 87 Stat. 975, 42 U.S.C.A. 4002, as amended, and is subject to lake Erie-related flooding.

(J) "Coastal high hazard area" means an area of special flood hazard, as identified by the federal emergency management agency, along the open coast at lake Erie and any other area subject to high velocity wave action from storms or seismic sources along lake Erie and its bays.

(K) "Development" means any artificial change to improved or unimproved real estate, including, without limitation, the construction of buildings and other structures and mining, dredging, filling, grading, paving, excavation and drilling operations.

(L) "Director" means the director of the department of natural resources, state of Ohio or his designee.

(M) "Elevated building" means a non-basement building (a) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of paragraph (D)(4) of rule <JL:JUMP,"1501:22-1-04"1501:22-1-04 of the Administrative Code.

(N) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing

the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a county or municipality.

(O) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(P) "Federal Emergency Management Agency" (FEMA) means the federal agency with the overall responsibility for administering the national flood insurance program.

(Q) "Flood Hazard Boundary Map" (FHBM) means an official map of a county or municipal corporation, issued by the federal emergency management agency, where the boundaries of the flood areas having special hazards have been designated as Zone A.

(R) "Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the federal emergency management agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

(S) "Flood insurance rate zones" means the various flood insurance risk premium zones identified on a county's or municipal corporation's FIRM or FHBM issued by the federal emergency management agency. The symbols used to designate these zones are as follows:

A Area of special flood hazard without base flood elevations determined.

A1-30, AE Area of special flood hazard with base flood elevations determined.

AO Area of special flood hazard having shallow water depths and/or unpredictable flow paths between one and three feet.

A99 Area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes.

AH Area of special flood hazard having shallow water depths and/or unpredictable flow paths between one and three feet, and with base flood elevations determined.

V Area of special flood hazard along coast with velocity hazard (coastal high hazard area); no base flood elevations determined.

V1-30, VE Area of special flood hazard along coast with velocity hazard (coastal high hazard area); base flood elevations determined.

VO Area of special flood hazard along coast with velocity hazard having shallow water depths and/or unpredictable flow paths between one and three feet.

B, X Area of moderate flood hazard.

C, X Area of minimal hazard.

D Area of undetermined but possible flood hazard.

(T) "Flood insurance study" means the official report in which the federal emergency management agency has made an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations and floodway boundaries.

(U) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(V) "Floodproofing" 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.

(W) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(X) "Historic structure" means any structure that is:

(1) Listed individually in the national register of historic places (a listing maintained by the United States department of the interior) or preliminarily determined by the secretary of the United States department of the interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the secretary of the United States department 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 inventory of historic places; or

(4) Individually listed on a local inventory of historic places in counties or municipal corporations with historic preservation programs that have been certified by the Ohio historical society.

(Y) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of rule 1501:22-1-04 of the Administrative Code.

(Z) "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 attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(AA) "Manufactured home park or subdivision" means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale. This definition shall exclude any manufactured home park as defined in section <JL:JUMP,"3733.01","1_PORC"3733.01 of the Revised Code, over which the public health council has exclusive rule making power.

(BB) "National Flood Insurance Program" means a federal program established by Congress in 1968, that allows property owners to purchase federally backed flood insurance within communities that participate in this program. In return for this insurance protection, participating communities must regulate new development within special flood hazard areas identified and mapped by the federal emergency management agency.

(CC) "New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a county or municipal corporation and includes any subsequent improvements to such structures.

(DD) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a county or municipality.

(EE) "Noncompliance" means the failure of a structure or other development to be fully compliant with the standards of the national flood insurance program or those promulgated under rule 1501:22-1-04 of the Administrative Code concerning floodplain management criteria.

(FF) "Recreational vehicle" means a vehicle which is (1) built on a single chassis; (2) four hundred square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(GG) "Special flood hazard area" means the same as "area of special flood hazard."

(HH) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days of the permit date. Start of construction means 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 the building.

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

(JJ) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty per cent of the market value of the structure before the damage occurred.

(KK) "Substantial improvement" means any rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty per cent 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 either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure."

(LL) "Variance" means a grant of relief by a county or municipal corporation from the terms of its floodplain management regulations.

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Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 1506.04

Rule amplifies: RC 1506.02

119.032 Review Date: 4-28-00; 4-28-05

1501:22-1-02 Severability.

The invalidation by a court of a rule adopted or amended pursuant to section 1506.04 of the Revised Code shall not affect the validity of any other rule or portion thereof adopted or amended thereunder by the director.

HISTORY: Eff 7-26-90

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Rule amplifies: RC 1506.02

119.032 Review Date: 4-28-00; 4-28-05

1501:22-1-03 Floodplain management requirements for counties and municipal corporations containing coastal flood hazard areas.

(A) The floodplain management criteria contained in rule 1501:22-1-04 of the Administrative Code shall apply to all counties and municipal corporations containing coastal flood hazard areas which are not participating in the national flood insurance program. Such communities shall adopt resolutions or ordinances governing development within the coastal flood hazard areas which meet or exceed the standards of rule 1501:22-1-04 of the Administrative Code. These regulations must be legally enforceable, applied uniformly throughout the county or municipal corporation to all privately and publicly owned land within the coastal flood hazard area, and must take precedence over any less restrictive or conflicting local laws, resolutions, ordinances, or codes. The criteria of rule 1501:22-1-04 of the Administrative Code are to be considered minimum standards, a county or municipal corporation may exceed these criteria by adopting more stringent floodplain management regulations.

(B) A county or municipal corporation that participates in the national flood insurance program shall comply with the floodplain management criteria set forth in the national flood insurance program regulations found in Part 60 of Title 44 of the Code of Federal Regulations.

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1501:22-1-04 Floodplain management criteria.

(A) When a county or municipal corporation has been notified, pursuant to the requirements of the national flood insurance program, that it contains areas of special flood hazards (A zones) by the publication of a FHBM or FIRM, but where such maps neither identify a floodway or coastal high hazard area, nor contain water surface elevation data, the county or municipal corporation shall:

- (1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the FHBM or FIRM;
- (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
- (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in an area of special flood hazard, all new construction and substantial improvements shall (a) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (b) be constructed with materials resistant to flood damage, (c) be constructed by methods and practices that minimize flood damages, and (d) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in an area of special flood hazard, any such proposals shall be reviewed to assure that (a) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (c) adequate drainage is provided to reduce exposure to flood hazards;
- (5) Require within areas of special flood hazard new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and
- (6) Require within areas of special flood hazard (a) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (b) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.
- (7) Require that all new subdivision proposals and other proposed developments

(including proposals for manufactured home parks and subdivisions) greater than fifty lots or five acres, whichever is the lesser, include within such proposals base flood elevation data;

(8) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data developed pursuant to paragraph (A)(7) of this rule, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the FHBM or FIRM meet the standards in paragraphs (B)(2), (B)(3), (B)(5), (B)(6), (B)(12), (B)(14), (C)(2) and (C)(3) of this rule;

(9) Where base flood elevation data are utilized, within Zone A on the FHBM or FIRM:

(a) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

(b) Obtain, if the structure has been floodproofed in accordance with paragraph (B)(3)(b) of this rule, the elevation in relation to mean sea level to which the structure was floodproofed, and

(c) Maintain a record of all such information with the official designated by the county or municipal corporation to administer the issuance of floodplain development permits.

(10) Notify, in riverine situations, adjacent counties and municipal corporations prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the chief of the division of water in the department of natural resources.

(11) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(12) Require that all manufactured homes to be placed within Zone A on the FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement.

Method of anchoring may include, but are not to be limited to, use of over-the-top frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(B) When, pursuant to the requirements of the national flood insurance program, a county or municipal corporation has been provided a notice of final flood elevations for one or more special flood hazard areas on the FIRM and, if appropriate, other special flood hazard areas have been designated without base flood elevations on the FIRM, but a regulatory floodway or coastal high hazard area has not been identified, the county or municipal corporation shall:

(1) Require the standards of paragraph (A) of this rule within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the FIRM:

(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the FIRM have the lowest floor, including basement, elevated to or above the base flood level.

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the FIRM (a) have the lowest floor, including basement, elevated to or above the base flood level or, (b) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (a) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (B)(3)(b) or (B)(8)(b) of this rule, and (b) a record of such certificates which includes the specific elevation, in relation to mean sea level, to which such structures are flood-proofed shall be maintained for public inspection with the official designated by the county or municipal corporation.

(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the FIRM on sites (a) outside of manufactured home park or subdivision (b) in a new manufactured home park or subdivision, (c) in an expansion to an existing manufactured home park or subdivision, or (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.

(7) Require within any AO zone on the FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number

is specified);

(8) Require within any AO zone on the FIRM that all new construction and substantial improvements of nonresidential structures (a) have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM--at least two feet if no depth number is specified, or (b) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in paragraph (B)(3)(b) of this rule;

(9) Require within any A99 zones on a FIRM the standards of paragraphs (A)(1) to (A)(4)(a) and (A)(9) to (A)(12) of this rule;

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development, including fill, shall be permitted within Zones A1-30 and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the county or municipal corporation.

(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivisions within zones A1-30 AH, and AE on the FIRM that are not subject to the provisions of paragraph (B)(6) of this rule be elevated so that either (a) the lowest floor of the manufactured home is at or above the base flood elevation, or (b) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of this rule, a county or municipality may approve certain development in Zones A1-30, AE and AH, on the FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the county or municipality first applies for approval from the chief of the division of water in the department of natural resources.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the FIRM either (a) be on the site for fewer than one hundred eighty consecutive days, (b) be fully licensed and ready for highway use, or (c) meet the permit requirements of (A)(1) of this rule and the elevation and anchoring requirements for "manufactured homes" in paragraph (B)(6) of this rule. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(C) When, pursuant to the requirements of the National Flood Insurance

Program, a county or municipal corporation has been provided a notice of final base flood elevations within Zones A1-30 and/or AE on the FIRM and, if appropriate, AO zones, AH zones, A99 zones, and A zones have been designated on the firm, and has been provided data from which the county or municipal corporation shall designate its regulatory floodway, the county or municipal corporation shall:

- (1) Meet the requirements of paragraph (B)(1) to (B)(14) of this rule;
- (2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot any point;
- (3) 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 county or municipal corporation during the occurrence of the base flood discharge;

(D) When, pursuant to the requirements of the national flood insurance program, a county or municipal corporation has been provided a notice of final base flood elevations within Zones A1-30 and/or AE on the FIRM and, if appropriate, AH zones, AO zones, A99 zones, and A zones have been designated on the FIRM, and where on the FIRM coastal high hazard areas have been designated as Zones V1-30, VE, and/or V, the county or municipal corporation shall:

- (1) Meet the requirements of paragraphs (B)(1) to (B)(14) of this rule;
- (2) Within Zones V1-30, VE, and V on a FIRM. (a) Obtain the elevation in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor, excluding pilings and columns, of all new and substantially improved structures, and whether or not such structures contain a basement, and (b) maintain a record of all such information with the official designated by the county or municipal corporation.
- (3) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V, if base flood elevation data are available, on the FIRM, are elevated on pilings and columns so that (a) the bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to or above the base flood level; and (b) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the

provisions of this paragraph.

(4) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this paragraph, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty pounds per square foot, either by design or when so required by local or state codes, may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(a) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,

(b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components-structural and non-structural. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access or storage.

(5) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the FIRM;

(6) Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the FIRM on sites (a) outside of a manufactured home park or subdivision, (b) in a new manufactured home park or subdivision, (c) in an expansion to an existing manufactured home park or subdivision, or (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (D)(2) to (D)(5) of this rule and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the FIRM meet the requirements of paragraph (B)(12) of this rule.

(7) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the FIRM either (a) be on the site for fewer than one hundred eighty consecutive days, (b) be fully licensed and ready for highway use, or (c) meet the requirements in paragraphs (A)(1) and (D)(2) to (D)(5) of this rule. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

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1501:22-1-05 Criteria for variances.

Resolutions or ordinances adopted by counties or municipal corporations governing coastal flood hazard areas may include provisions for issuing variances from the floodplain management criteria of rule 1501:22-1-04 of the Administrative Code provided such variances are consistent with the following provisions:

(A) Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;

(B) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (C), (D), and (E) of this rule;

(C) Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local resolutions or ordinances;

(D) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(E) A county or municipal corporation shall maintain a record of all variance actions, including justification for their issuance, and upon request, submit such information to the chief of the division of water in the department of natural resources.

(F) Variances may be issued by a county or municipal corporation for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (1) the criteria of paragraphs (A) to (D) of this rule are met, and (2) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(G) Variances may be issued for the 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 that the variance is the minimum necessary to preserve the historic character and design of the structure.

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Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 1506.04

Rule amplifies: RC 1506.02

119.032 Review Date: 4-28-00; 4-28-05

1501:22-1-06 Reporting requirements.

(A) Upon the written request by the director or his designee, the county or municipal corporation shall within thirty days of the mailing of the request furnish certified copies of such adopted resolutions or ordinances to the chief of the division of water in the department of natural resources.

(B) A county or municipal corporation which makes any modifications or amendments to its adopted resolutions or ordinances governing coastal flood hazard areas shall within thirty days of adoption submit a certified copy of such modifications or amendments to the chief of the division of water in the department of natural resources.

HISTORY: Eff 7-26-90

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 1506.04

Rule amplifies: RC 1506.02

119.032 Review Date: 4-28-00; 4-28-05

1501:22-1-07 Noncompliance with regulations.

A county or municipal corporation containing coastal flood hazard areas that fails to adopt or enforce resolutions or ordinances which comply with the floodplain management criteria of the national flood insurance program or the criteria contained in rule 1501:22-1-04 of the Administrative Code shall be considered noncompliant. When the director or his designee determines that a county or municipal corporation is noncompliant, he shall send a written notice of noncompliance to the legislative authority of the county or municipality. Such notice shall list the specific deficiencies noted and provided a reasonable amount of time not to exceed one hundred eighty days by which the noncompliance shall be corrected.

The legislative authority of the county or municipality shall report to the director within thirty days of the mailing of the written notice on the action which it is taking or proposes to take to correct the noncompliance.

If the county's or municipality's legislative authority fails to report to the director within thirty days of the date of the mailing the notice of noncompliance on the action which it is taking or proposes to take to correct the noncompliance, or fails to correct the noncompliance within one hundred eighty days, the director may, in writing, request the attorney general to bring an action for appropriate relief in a court of competent jurisdiction against the community.

HISTORY: Eff 7-26-90

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 1506.04

Rule amplifies: RC 1506.02

119.032 Review Date: 4-28-00; 4-28-05

1501:22-1-08 Noncompliant development.

If any development occurs within the costal flood hazard area of a county or municipal corporation which the director determines meets both of the following criteria, the director may, in writing, request the attorney general bring an action for appropriate relief in a court of competent jurisdiction against the development.

(A) The development is located in a county or municipal corporation that is not participating in the national flood insurance program and has not adopted resolutions or ordinances which meet or exceed the floodplain management criteria of rule <JL:JUMP,"1501:22-1-04"1501:22-1-04 of the Administrative Code;

(B) The development is not in compliance with the standards of the national flood insurance program.

HISTORY: Eff 7-26-90

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 1501.30

Rule amplifies: RC 1506.04