

## **QUESTIONS AND ANSWERS ABOUT FLOODPLAIN DEVELOPMENT REGULATIONS**

**What areas are regulated?** All properties located in "A" zones on the community's Flood Hazard Boundary Map or Flood Insurance Rate Map are subject to regulations. "A" zones covers those areas that are subject to a 100-year flood. The map was prepared according to the best information available to the federal government. If a property owner has better engineering data on the 100-year flood or on property elevations, he may submit a request to have the map revised.

**What activities are regulated?** All "development" activities. "Development" is defined as "any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials."

**How are the regulations enforced?** Before undertaking a development activity in "A" zones, an applicant must secure a permit from the community. The permit will be issued only if the project meets the requirements of the community's floodplain regulations. The community may levy a fine and/or obtain a court order to have the owner correct the construction if he/she builds without a permit or if he/she does not build according to the approved plans.

**What are the requirements for a development permit?** The National Flood Insurance Program's minimum requirement is that each future development activity must meet two objectives:

- 1) New buildings will be free from flood damage.
- 2) There will be no increase in flood damage to others.

The NFIP regulations define the procedures and performance standards for meeting these two objectives. The local ordinance may include higher standards or additional requirements.

**How do I meet the first objective?** There are five ways to prevent flood damage to buildings.

- 1) Keep buildings out of the "A" zones. Floodplain lands can be used for many things without having to place buildings on them. Examples of good floodplain uses are: parks, crop production, residential yards, streets, airstrips, parking lots and storage of easily moved equipment.
- 2) Keep flood waters away from buildings by constructing levees or floodwalls.

- 3) Build on fill so the building is completely above the 100-year flood level. The fill must be protected so that it will not erode. Accessory structures meeting specified criteria such as garages, storage areas and similar facilities that would not be damaged by flooding may be provided relief from the flood protection elevations if other conditions are met.
- 4) Elevate the building on piers, walls, or a flow-through crawl space so that floodwater can pass underneath without causing damage. If elevated high enough, the lower area can be used for storage or parking. Elevating is the best way to protect a mobile home.
- 5) Floodproofing. A dry-floodproofed building keeps water out because the walls and floors are watertight and can withstand the tremendous water pressures. A wet-floodproofed building permits water to enter while the walls, floors, and contents are the types that are not subject to water damage. NFIP regulations do not allow wet-floodproofing. Therefore, wet-floodproofing is only permissible under a request for a variance. Furthermore, wet-floodproofing is not credited for insurance purposes under the NFIP. Floodproofing is not permitted for residences.

**How do I meet the second objective?** The primary way to prevent increasing flood damages to others is to prevent development activities from obstructing the flow of floodwater. Obstructions back up or divert floodwater onto other properties. Many types of development such as parking lots and houses on stilts will usually not create obstructions. Where a detailed study has resulted in an identified floodway, obstructions in the fringe have been presumed. The floodway must be kept free of obstructions. Where a detailed study has not identified floodways, the applicant must submit an engineering study showing that flood elevations will not be increased by more than one foot.

**What other requirements are there?** Buildings (and especially mobile homes) must be anchored so a flood will not move or float them. Permits are required from other agencies regulating floodplain development (Ohio Department of Natural Resources, Corps of Engineers, sanitary districts, etc.). A record must be kept of the elevations of the lowest floor (including basement).

**Are there any types of projects that are not regulated?** Yes. Maintenance work such as roofing, painting, and basement sealing does not need a permit. Small development activities (except grading and filling) with values less than a specified minimum usually do not need permits.

Local officials may grant a variance to the rules for a particular project providing: there is a good cause, there would be exceptional hardship, there will be no increase in flood heights or creation of a nuisance, and the variance requested is the minimum necessary. It must be noted that building lower than required by the regulations will leave the property open to flood damage and will result in increased flood insurance rates. No variances shall be granted from the floodway standards.

**How can I minimize construction costs?** If your lot is large enough, and if you can be flexible and imaginative, you can build properly and inexpensively with good site design. Put the buildings on the high ground or in the flood fringe. (For example, 12 units on three acres do not have to be 12 detached houses on equally sized lots; cluster housing or multi-family buildings will accomplish the same objective.) Use the low ground or floodway for open space, parking, streets, open storage or similar activity.