

ARTICLE 15 FLOOD DAMAGE PREVENTION

15.01 **STATUTORY AUTHORIZATION**

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of the City of Bellbrook, State of Ohio, does ordain as follows:

15.02 **METHODS OF REDUCING FLOOD LOSS**

In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, or property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage;
- (4) Controlling the alteration of natural flood plains, stream channels, and natural protection barriers, which help accommodate or channel flood waters; and
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.

15.03 **STATEMENT OF PURPOSE**

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

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) 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;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;

- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

15.04 **FINDING OF FACT**

The flood hazard areas of the City of Bellbrook 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 flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

15.05 **DEFINITIONS**

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

- (1) **"Accessory structure"** means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (2) **"Appeal"** means a request for a review of the Zoning Administrator's interpretation of any provision of this ordinance or a request for a variance.
- (3) **"Area-of special flood hazard"** means the land in the flood plain subject to a one percent (1%) or greater chance of flooding in any given year. Also known as "special flood hazard areas", these areas are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30 and A99.
- (4) **"Base flood"** means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.
- (5) **"Basement"** means any area of the building having its floor sub-grade (below ground level) on all sides.
- (6) **"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,

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excavation or drilling operations located within the area of special flood hazard.

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

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

(a) the overflow of inland or tidal waters; and/or

(b) the unusual and rapid accumulation or runoff of surface waters from any source.

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

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

(11) **"Flood Protection Elevation"** or FPE, for residential development, is the base flood elevation plus 2 feet of freeboard. The Flood Protection Elevation, or FPE, for non-residential development, is the base flood elevation. In areas where no base historical flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations or base flood elevations determined and/or approved by the floodplain administrator.

(12) **"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 one foot.

(13) **"Freeboard"** is a factor of safety usually expressed in feet above 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 heights calculated for a selected size flood and floodway conditions, such as obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization of a watershed.

(14) **"Historic Structure"** means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

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(c) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office;

(d) Individually listed on the inventory of historic places maintained by City of Bellbrook's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

(15) **"Hydrologic and hydraulic engineering analysis"** 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.

(16) **"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:

(a) **Letter of Map Amendment (LOMA):** A revision based on technical data showing that 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;

(b) **Letter of Map Revision (LOMR):**
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;

(c) **Conditional Letter of Map Revision (CLOMR):**
A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

(17) **"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 storage, in an area other than a basement area, [is not considered a building's lowest floor] provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

(18) **"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 recreational vehicles.

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

(20) **"National Flood Insurance Program (NFIP)"** means that the NFIP is a 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.

(21) **"New construction"** means structures for which the "start of construction" commenced on or after the initial effective date of the City of Bellbrook Flood Insurance Rate Map, June 1, 1977, and includes any subsequent improvements to such structures.

(22) **"Recreational Vehicle"** means a vehicle which is:

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) designed to be self-propelled or permanently towable by a light duty truck; and

(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(23) **"Start of construction"** means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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.

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

(25) **"Substantial damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(26) **"Substantial improvement"** means any reconstruction, rehabilitation, addition or other 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:

(a) any improvement to a structure that is considered "new construction";

(b) 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 prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure sale living conditions; or

(c) any alteration of a "historic structure", provided that the alteration would not preclude the structure's continued designation as a "historic structure".

(27) **"Variance"** is a grant of relief to a person from the requirements of this ordinance, which permits construction in a manner that would otherwise be prohibited by this ordinance.

(28) **"Violation"** means the failure of a structure or other development to be fully compliant with these regulations.

15.06

SCOPE AND APPLICATION

(1) **Applicable Lands:**

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Bellbrook including any additional areas of special flood hazard annexed by the City of Bellbrook. The areas of special flood hazard are based on a scientific and engineering report prepared by the Federal Emergency Management Agency titled Flood Insurance Study Greene County, Ohio and Incorporated Areas effective March 17, 2011. This report along with the accompanying Flood Insurance Rate Map Greene County, Ohio and Incorporated Areas effective March 17, 2011 and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. The maps and study are on file at the City of Bellbrook Administrative Offices at 15 E Franklin Street, Bellbrook Ohio, 45305.

(2) **Rules for Interpretation of District Boundaries:**

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

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- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(3) Overlay District Designation:

The areas of special flood hazard identified in Section 15.06(1) shall be shown as an overlay district. This overlay district shall be designated as a Flood Hazard (FH) District. Within the Flood Hazard District there shall be a Floodway (FW) Component. The floodway portion of the Flood Hazard District shall adhere to all requirements for the areas of special flood hazard, as well as those sections which specifically address the floodway.

The overlay FH District shall be superimposed over the Official Zoning Map. The underlying zoning district as shown on the Official Zoning Map, shall hereafter be called the base district. Uses and minimum requirements shall be determined by the base district. However, if the provisions governing the overlay district are stricter than those of the base district, the provisions of this ordinance shall supersede those of the base district.

(4) District Boundary Changes:

The delineation of the Flood Hazard District may be revised by the City of Bellbrook where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by a federal, state, local or other qualified agency or where individual documents support such changes. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

(5) Warning and Disclaimer of Liability:

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods can and will occur on rare occasions or 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 damages. These regulations shall not create liability on the part of the City of Bellbrook, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

(6) Abrogation and Greater Restrictions:

These regulations are not intended to repeal, any existing ordinances, including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed.

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These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

(7) **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 as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

15.07

ADMINISTRATION

(1) **Establishment of a Development Permit:**

(a) A Development Permit shall be obtained before construction or development begins in a Flood Hazard District established in Section 15.06(1). This permit shall be in addition to the zoning certificate required of the base district. Application for a Development Permit shall be made on forms furnished by the Zoning Administrator and may 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 or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures;

(2) elevation in relation to mean sea level to which any proposed structure will be flood proofed;

(3) certification by a registered professional engineer or architect through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the flood proofing methods for any nonresidential structure met the flood proofing criteria in Section 15.09(2)(b); and,

(4) description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) 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 development activities (except for filling and grading) valued at less than \$5,000.00.

(2) **Designation of the Zoning Administrator:**

The Zoning Administrator is hereby appointed to administer and implement this ordinance.

(3) **Duties and Responsibilities of the Zoning Administrator:**

Duties of the Zoning Administrator shall include, but are not limited to:

(a) **Permit Review:**

(1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied;

(2) Review all development permits to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required; and

(3) Review all development permits to determine if the proposed development is located within the floodway (FW) component of the Flood Hazard District as determined in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 15.10(1) is met.

(b) **Information to be Obtained and Maintained:**

Where base flood elevation data are utilized within areas of special flood hazard designated in Section 15.06(1), regardless of the source of such data, the following provisions apply:

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not such structures contain a basement;

(2) For all new or substantially-improved flood proofed structures:

(A) verify and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed;

(B) maintain the flood proofing certifications required in Section 15.07(1)(a)(3); and

(3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

(c) **Alteration of Watercourses:**

(1) Notify adjacent communities, the US Army Corp of Engineers and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence

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of such notification to the Federal Emergency Management Agency.

(2) Require that necessary maintenance will be provided for by the applicant for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.

(d) **Interpretation of Flood Boundaries:**

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between the Flood Hazard District boundary and actual field conditions. Where a District boundary and elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.08.

(4) **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) When Preliminary Flood Insurance Rate Maps and /or Flood Insurance Study have been provided by FEMA:

(1) Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations;

(2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data

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provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA;

(d) 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 5.08, Appeals and Variances; and

(e) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

15.08

Variance Procedure:

(1) **Appeal Board:**

(a) The Board of Zoning Appeals as established by the City of Bellbrook shall hear and decide appeals and requests for variances from the requirements of this ordinance;

(b) The Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this ordinance;

(c) Those aggrieved by the decision of the Board of Zoning Appeals or any taxpayer, may appeal such decision to the Greene County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code;

(d) In passing upon such variance applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance and:

(1) the danger that materials may be swept onto other lands to the injury of others;

(2) the danger to life and property due to flooding or erosion damage;

(3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) the importance of the services provided by the proposed facility to the community;

(5) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

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(6) the necessity to the facility of a waterfront location, where applicable;

(7) the compatibility of the proposed use with existing and anticipated development;

(8) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(9) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(11) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(e) Upon consideration of the factors of Section 15.08(1)(d) and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance; and

(f) The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(2) **Conditions for Variances:**

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section 15.08(1)(d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases;

(b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section;

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

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

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- (e) Variances shall only be issued upon:
- (1) a showing of good and sufficient cause;
 - (2) a determination that failure to grant the variance would result:
 - (A) in exceptional hardship to the applicant due to the physical characteristics of the property;
 - (B) that the structure or other development is protected by methods to minimize flood damages;
 - (C) that the variance is the minimum necessary, considering the flood hazard, to afford relief; and
 - (3) a determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this ordinance, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 15.08(1)(d), or conflict with existing local laws or ordinances; and
- (f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

15.09

PROVISIONS FOR FLOOD HAZARD REDUCTION

(1) **GENERAL STANDARDS:**

The following use and development standards apply to development wholly within, or in contact with any special flood hazard areas as established in Section 15.06(1).

(a) **Anchoring:**

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
- (2) All manufactured homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be 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 to be limited to, use of over-the-top or frame ties to ground anchors.

(b) **Construction Materials and Methods:**

(1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage;

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) **Utilities:**

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

(2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the system into flood waters; and,

(3) Individual waste water treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) **Subdivision Proposals:**

(1) All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and,

(4) In all areas of special flood hazard 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, which ever is less.

(2) **SPECIFIC STANDARDS:**

In all areas of special flood hazard designated on the Official Zoning Map as a Flood Hazard District where base flood elevation data have been provided as set forth in Section 15.06(1), **Applicable Lands**, the following provisions are required:

(a) **Residential Construction:**

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of two (2) feet above the base flood elevation.

(b) **Nonresidential Construction:**

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

(1) be flood proofed so that below the base flood elevation level the structure is watertight with walls substantially impermeable to the passage of water;

(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 that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 15.07(1)(a)(3).

(c) **Accessory Structure:**

An exemption to the elevation or dry flood proofing standards may be granted for accessory structures (sheds, detached garages), containing 600 square feet or less in gross floor area. Such structures must meet the encroachment provisions of Section 15.10(1) and the following additional standards:

(1) they shall not be used for human habitation;

(2) they shall be designed to have low flood damage potential;

(3) they shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;

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(4) they shall be firmly anchored to prevent flotation; and,

(5) service facilities such as electrical and heating equipment shall be elevated or flood proofed;

(6) they shall meet the opening requirements of Section 15.09(2)(f).

(d) **Manufactured Homes:**

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

(1) Manufactured homes shall be anchored in accordance with Section 15.09(1)(a)(2); and

(2) Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at a minimum of two (2) feet above the base flood elevation level.

(e) **Recreational Vehicles**

Recreational vehicles must meet at least one of the following standards:

(1) They shall not be located on sites in special flood hazard areas for more than 180 days, or;

(2) They must be fully licensed and ready for highway use, or;

(3) They must meet all standards of Section 15.09(2)(a).

(f) **Enclosures Below Lowest Floor:**

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 sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets 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,

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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.

15.10

FLOODWAYS

The Flood Insurance Study referenced in Section 15.06(1) identifies a segment within the Flood Hazard District known as a floodway. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The following provisions apply within all delineated floodway areas:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Section 15.10(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.09, **PROVISIONS FOR FLOOD HAZARD REDUCTION.**

15.11

ENFORCEMENT

(1) **Compliance Required:**

(a) No structure or land shall hereafter be located, erected, constructed, reconstructed, 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 15.07;

(b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 15.11(3); and

(c) Floodplain development permits issued on the basis of 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 15.11(3).

(2) **Notice of Violation:**

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he/she 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:

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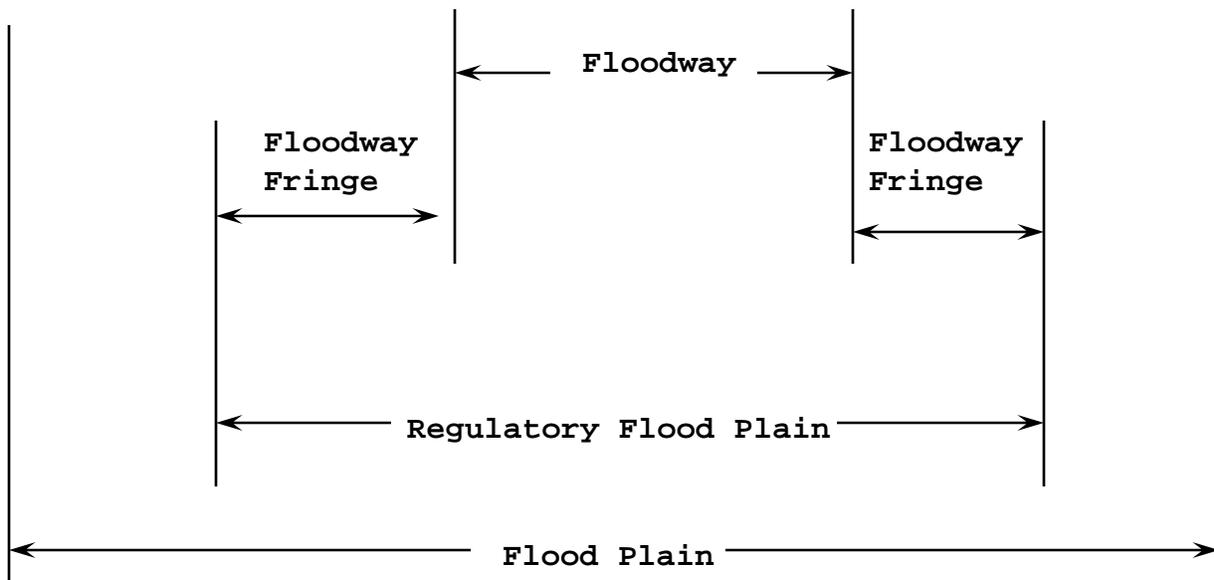
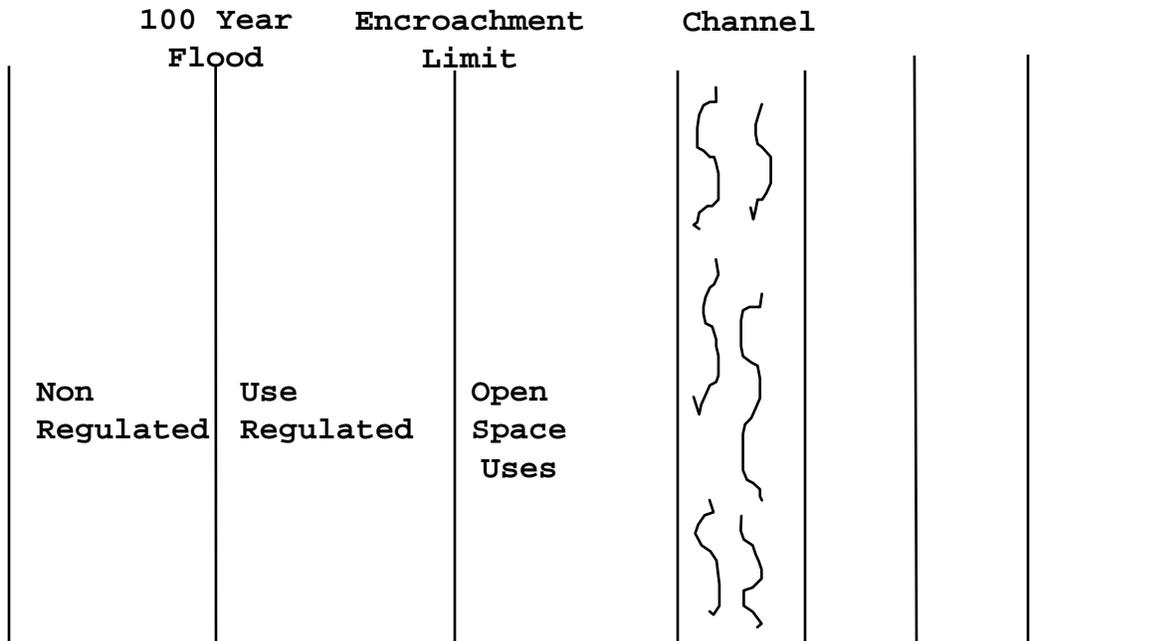
- (a) Be in writing in an appropriate form;
- (b) Include a list of violations, referring to the section(s) of these regulations that have been violated and order remedial action which if taken, will effect compliance with the provisions of these regulations;
- (c) Specify a reasonable time for remediation;
- (d) Advise the owner, operator or occupant of the right to appeal; and
- (e) Be served to the owner, occupant or agent in person, by certified mail or by regular mail to the person's last known mailing address, residence or place of business and/or a copy posted in a public place or on the dwelling affected.

(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 the City of Bellbrook. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Bellbrook from taking such other lawful action as is necessary to prevent or remedy any violations. The City of Bellbrook shall prosecute any violation of these regulations in accordance with the penalties stated herein.

FIGURE 1, TYPICAL FLOOD PLAIN

shows the relative relationships of the various areas within the flood plain.



TYPICAL FLOOD PLAIN