

**EXHIBIT NO. 35**

**RESOLUTION ADOPTING FLOOD DAMAGE PREVENTION REGULATIONS**

**FOR**

**UNINCORPORATED HAMILTON COUNTY, OHIO**

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WHEREAS, on October 26, 1988, the Board of County Commissioners of Hamilton County, Ohio rescinded the aforesaid Regulations and adopted a replacement resolution which incorporated the necessary amendments (Vol. 232, Image 481, et seq.), effective October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WHEREAS, on September 5, 2001, the Board of County Commissioners of Hamilton County, Ohio rescinded the aforesaid Regulations and adopted a replacement resolution which incorporated the necessary amendments (Vol. 283, Image 3249, et seq.), effective September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, 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, the Board of County Commissioners of Hamilton County, Ohio, had previously adopted and is now enforcing various flood plain management rules, regulations, resolutions, codes, etc., including, but not limited by enumeration to:

- 1) Zoning Resolution for the Unincorporated Hamilton County, Ohio; and
- 2) Rules and Regulations of the Regional Planning Commission of Hamilton County, Ohio, for the Subdivision of Land; and
- 3) Building Code of Hamilton County, Ohio; and
- 4) Rules and Regulations of Hamilton County Public Works Governing the Construction,

Operation, and Maintenance, in the County of Hamilton Storm Drainage System; and  
5) Rules and Regulations Governing the Surface Physical Improvements for  
Private Developments

Within the Unincorporated Areas of Hamilton County, Ohio; and

6) Rules and Regulations Governing the Design, Construction, Maintenance,  
Operation, and Use of the Sanitary and Combined Sewers in the Metropolitan Sewer  
District of Greater Cincinnati, Hamilton County, Ohio.

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:

## **Section 1.0 EXISTING FLOOD PLAIN MANAGEMENT SYSTEM**

**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.

## **Section 2.0 DEFINITIONS**

**Section 2.1** Terms used in these Regulations are defined as in 44 CFR Section 59.1,  
and as follows:

**Section 2.2** "Area of special flood hazard" means the land in the floodplain subject to a  
one percent or greater chance of flooding in any given year. Areas of special flood  
hazard are designated by the Federal Emergency Management Agency as Zone A, AE,  
AH, AO, A1-30, and A99, and/or by the Storm Drainage and Open Space Master Plan  
for Hamilton County, Ohio.

**Section 2.3** "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.

**Section 2.4** "Basement" means any area of the building having its floor subgrade  
(below ground level) on all sides.

**Section 2.5** "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” 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. In addition to “structural” development proposals (e.g. new construction and improvements to existing structures), “nonstructural” developments (e.g. filling, grade alterations, excavations, and mining or drilling activities) must be reviewed through the local permit process to ensure that the developments will not be affected by floodwaters and not adversely affect the flow of the floodgate. Other examples of development activities include storage of materials and equipment, dredging operations, and paving.

**Section 2.6** “Encroachment” means any development (as defined) within the regulatory floodway of any special flood hazard area, as defined in Section 3.3 of these Regulations, which will result in any increase in base (100 year) flood level, as determined by reference to Section 3.1 of these Regulations, 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 2.7** “Equal Degree of Encroachment” means a standard applied in determining the location of floodway limits so that both sides of a stream are capable of conveying 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 2.8** “Federal Emergency Management Agency” (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.

**Section 2.9** “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 1.0 foot.

**Section 2.10** “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 a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either;
- (i) By an approved state program as determined by the Secretary of the Interior
  - or
  - (ii) Directly by the Secretary of the Interior in states without approved programs.

“Historic Structure” Comment:

For more information about a structure’s historic designation contact the Ohio Historical Society, 1985 Velma Avenue, Columbus, Ohio 43211 (614) 297-2300.

**Section 2.11** “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”.

**Section 2.12** “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 tow able 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 2.13** “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two separate occasions during a 10year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**Section 2.14** “Substantial Improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure 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”.

**Section 2.15** “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 3.0 of these regulations

### **Section 3.0 SPECIAL FLOOD HAZARD AREAS**

**Section 3.1** The following scientific and engineering reports, accompanying maps and profiles, identify, in

whole or in part, Special Flood Hazard Areas within the Unincorporated territory of Hamilton County, Ohio, and are hereby declared to be a part of these Regulations:

- a) 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, A1-30 etc. on the FIRM); and
- b) Flood Insurance Study For Hamilton County, Ohio (and Incorporated Areas) (Federal Emergency Management Agency, May 17, 2004); and
- c) Flood Insurance Rate Map for Hamilton County, Ohio (and Incorporated Areas) (Federal Emergency Management Agency, May 17, 2004).

**Section 3.2** The Special Flood Hazard Areas of Unincorporated Hamilton County, Ohio, include:

- a) All that area within Zones AE, A1-30, AO, AH, and the unnumbered A Zones on the Flood Insurance Rate Map for Hamilton County, Ohio (and Incorporated Areas) (Federal Emergency Management Agency, May 17, 2004); and
- b) All that area within the unincorporated territory of Hamilton County, Ohio, not identified in Section 3.2 (a), above, but designated as being within the 50 year flood plain of various streams as identified in Appendix A of the Storm Drainage and Open Space Master Plan for Hamilton County, Ohio.

**Section 3.3** The Regulatory Floodway of Unincorporated Hamilton County, Ohio, is all that area designated as "Floodway" on the Flood Insurance Rate Map for Hamilton County, Ohio (and Incorporated Areas) (Federal Emergency Management Agency, May 17, 2004); and, for unnumbered A Zones, as identified in Appendix A of the Storm Drainage and Open Space Master Plan for Hamilton County, Ohio.

### **Section 3.4 Flood Protection Elevation (FPE)**

a) For all Zones AE or A1-30 identified as Special Flood Hazard Areas (SFHA's) in Section 3.2(a), the FPE is one (1) foot above the base flood elevation as established in the Flood Insurance Study referenced in Section 3.1(b), above, or as described in 3.4(c) whichever is more restrictive.

b) For all unnumbered A Zones identified as SFHA's in Section 3.2(a), above, the FPE is one (1) foot above the base flood elevation as established in the Storm Drainage and Open Space Master Plan for Hamilton County, Ohio referenced in Section 3.1(a), above.

c) For all other Special Flood Hazard Areas identified in Section 3.2(b), the FPE is one (1) foot above the base flood elevation as established in the Storm Drainage and Open Space Master Plan for Hamilton County, Ohio referenced in Section 3.1(a), above.

## **Section 4.0 STANDARDS**

### **Section 4.1 General Standards**

**Section 4.1.1** Encroachments, as herein defined, are prohibited within the Regulatory Floodway of Unincorporated Hamilton County, Ohio.

**Section 4.1.2** The lowest floor of the manufactured home to be one foot above 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 floatation, collapse and lateral movement.

**Section 4.1.3** All new construction and substantial improvements shall:

- a) 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;
- 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 such components during conditions of flooding.

**Section 4.1.4** All subdivision proposals governed by Rules and Regulations of the Regional Planning

Commission of Hamilton County, Ohio, for the Subdivision of Land, shall:

- a) Be consistent with the need to minimize flood damage;
  - b) Shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
  - c) Shall have adequate drainage provided to reduce exposure to flood damage;
- and

d) Provide base flood elevation data for subdivision proposals, and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

**Section 4.1.5** 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.

**Section 4.1.6** Storm drainage 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.

## **Section 4.2** Specific Standards

**Section 4.2.1** Accessory structures (e.g., sheds, 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 base flood elevation, are properly anchored to prevent flotation, and which are not used or designed not to be used for human habitation, are exempted from further flood proofing standards, This Section shall not apply to accessory structures located within any regulatory floodway as defined in Section 3.3, above.

**Section 4.2.2** Within any designated Special Flood Hazard Area in the unincorporated territory of Hamilton County, Ohio, only that new construction, substantial improvement, or other development shall be allowed which:

a) Has, for residential structures, the lowest floor, including any basement(s), elevated to or above the Flood Protection Elevation (FPE) as determined by reference to Section 3.4, above.

b) Has, for nonresidential structures, the lowest floor, including any basement(s) elevated to or above the Flood Protection Elevation (FPE) as determined by reference to Section 3.4, above; or together with attendant utility and sanitary facilities,

1) is designed so that below the FPE any structure(s) is (are) watertight, with walls substantially impermeable to the passage of waters; and

2) has structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3) which is certified by a registered professional engineer or architect prior to issuance of any required building permit and/or certificate of occupancy by the office of the Building Commissioner, that the design and methods of construction are in accordance with the accepted standards of practice for meeting the requirements of this Resolution.

**Section 4.2.3** The following standards apply to all new and substantially improved residential and nonresidential non-basement structures which are elevated one foot above the base flood elevation using pilings, columns, posts or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood water. Fully enclosed areas below the lowest floor that are useable solely for the 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 of the entry and exit of flood waters. Designs for meeting this requirement must be certified by a registered professional engineer or architect and meet or exceed the following 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 covering or devices provided that they permit the automatic entry and exit of flood waters.

**Section 4.2.4** 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 greater than fifty (50) lots or greater than 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 A1-30 and the unnumbered A Zones on the Flood Insurance Rate Map for Hamilton County, Ohio (and Incorporated Areas) (Federal Emergency Management Agency, May 17, 2004), or the 50 year flood elevation, for all other Special Flood Hazard Areas, as it pertains to the proposed development.

## **Section 5.0 NOTIFICATION OF INCREASED FLOOD RISK**

**Section 5.1** In the case of any permitted accessory structures, or any development permitted under Section 6.0 of these Regulations, the following language shall be affixed to all plans, plats and other written or graphic materials which may be construed as constituting authorization, in whole or in part, for such construction:  
“A lowest floor elevation less than one (1) foot above the base flood elevation (100 year) of \_\_\_\_\_ feet NGVD, or the absence of flood proofing to one (1) foot above the base flood level, will increase the risk of flooding and flood damage, and the cost of flood insurance will be commensurate with the increased risk.”

## **Section 6.0 APPEALS AND VARIANCES (See Section 9.3)**

**Section 6.1** 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 (Adopted May 8, 1985); and
- c) From the Building Code of Hamilton County, Ohio and the Ohio Basic Building Code to the Hamilton County Board of Building Appeals; and
- d) From the Rules and Regulations of the Sanitary Engineering Department Governing

the Construction, Operation, and Maintenance, 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 Regional Planning Commission of Hamilton County, Ohio, for the Subdivision of Land to the Hamilton County Regional Planning Commission; and

f) From all other rules regulations, codes, or resolutions of the County so affected, to the Court of Common Pleas of Hamilton County, Ohio, as provided for in Chapter 2c06 of the Ohio Revised Code.

**Section 6.2** Any request for a variance from the requirements of these Regulations (which were based upon the standards of 44 CFR 60.3) shall be reviewed by the appropriate body identified in Section 6.1, above, using the guidance and procedures contained in 44 CFR 60.6(a).

## **Section 7.0 ENFORCEMENT**

**Section 7.1** 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 with the jurisdiction of these Regulations.

**Section 7.2** Violation of the provisions of these Regulations or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates these Regulations or fails to comply with any of its requirements (including violations of, conditions of, and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the State of Ohio. 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 violations.

## **Section 8.0 WARNING AND DISCLAIMER OF LIABILITY**

**Section 8.1** 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. Flood heights may be increased by man-made or natural causes. These Regulations do not imply that land outside the designated Special Flood Hazard Areas, 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 Board of County Commissioners of Hamilton County, Ohio, any officer or employee thereof, or of any other independent regulatory agency or board with jurisdiction within the unincorporated territory of Hamilton County, Ohio, or the Federal Emergency Management Agency, for any flood damages that result from reliance on these Regulations or any administrative decision lawfully made hereunder.

## **Section 9.0 TECHNICAL LIMITATIONS AND AMENDMENTS**

**Section 9.1** The adoption of these Regulations does not imply that the Board of County Commissioners of Hamilton County, Ohio, accepts that the Flood Insurance Study for Hamilton County, Ohio (and Incorporated Areas) (Federal Emergency Management Agency, May 17, 2004), the Flood Insurance Rate Map for Hamilton County, Ohio (and Incorporated Areas) (Federal Emergency Management Agency, May 17, 2004), are free from technical or graphic error(s) in the whole or in part.

**Section 9.2** 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 of 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 insure that they accurately reflect the existing conditions within unincorporated Hamilton County, Ohio.

**Section 9.3** Any person who believes that the Flood Insurance Study For The County of Hamilton, Ohio (Federal Emergency Management Agency, May 17, 2004), the Flood Insurance Rate Map for Hamilton County, Ohio (and Incorporated Areas) (Federal Emergency Management Agency, May 17, 2004) are technically or graphically and/or corrections that have been made (this includes L.O.M.R. letter of map provisions, and L.O.M.A letter of map amendments) 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 in Chicago, Illinois, 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 Public Works.

c) The Department of Public Works shall review and comment upon and shall likewise submit all such requests to the Hamilton County Engineer, the Hamilton County Rural Zoning Commission, the Hamilton County Regional Planning Commission, and others for review and comment.

d) Upon receipt of these reviews and comments on such requests, the Department of Public Works 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 in

Chicago, Illinois, 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.

## **Section 10.0 DEVELOPMENT PERMITS**

**Section 10.1** Prior to the start of any construction or other development within any Special Flood Hazard Area of Unincorporated Hamilton County, Ohio, as defined in Section 3.2, Hamilton County shall issue a “special flood hazard area development permit”. A 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 Public Works.

a) Buildings. All permits involving construction, repair, improvement or addition to buildings shall be issued by the Department of the Building Commissioner. If a permit application involves both building and non-structural development activities, the permit application shall be reviewed and receive preliminary approval by the Department of Public Works before being transmitted to the Building Department for review and approval of structural plans.

b) 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 Public Works.

**Section 10.2** Application for a special flood hazard area development permit shall be made on forms furnished by the Department of Public Works 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 and proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

a) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures;

b) Elevation in relation to mean sea level to which any proposed structures will be flood proofed;

c) Certification by a registered professional engineer or architect that the flood proofing methods for any proposed nonresidential structures meet all applicable flood proofing criteria in Section 4.22(b);

d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

e) Description of the extent of all filling, grading and other non-building activities.

### **Section 10.3 Permit Review**

a) The Department of Public Works shall review all nonstructural development permits to determine that the permit requirements of these Regulations have been satisfied. The Department of Public Works and the Building Commissioner shall review all building permits to determine that the permit requirements of these Regulations have been satisfied.

b) Review all development permits to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

c) Review all development permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Insurance Rate Map and 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 provision of Section 4.1.1 is met.

### **Section 10.4 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. Any proposed action exempt from filing for Development Permit is also exempt from the standards of these Regulations.

### **Section 10.5 Information to be obtained and maintained**

a) The Zone in which the development activity is located as determined by reference to Section 3.1(d).

b) The FPE as established in Section 3.4.

c) Actual elevation (NGVD) of the lowest floor, including basement of all new or substantially improved structures, and whether or not the structures contain a basement (as defined herein per definition “basement”) as certified by a registered professional engineer, architect, or land surveyor.

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 4.22(b)(3), the Hamilton County Building Code and the Ohio Basic Building Code have been met.

e) For all development activities to be located within a floodway identified in Section 3.3, hydrologic and hydraulic analysis performed in accordance with standard engineering practices, and certification by a registered professional engineer that the requirements of Section 4.1.1 have been met.

#### **Section 10.6** Alteration of Watercourses

1) Applicant must notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.

2) Maintain engineering documentation required in Section 4.1(4) that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.

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

#### Alteration of Watercourses Comment:

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, adjacent communities and the Ohio Department of Natural Resources, Division of Water must be notified in writing by the community in which the alteration or relocation is being proposed. 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.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners of Hamilton County, Ohio,

this 12th day of April, 2004.

Mr. Dowlin, \_\_\_\_\_ Mr. Heimlich \_\_\_\_\_ Mr. Portune, \_\_\_\_\_

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED, that the foregoing is a true and correct transcript of a resolution adopted by the Board of County Commissioners in session this 12th day of April, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the office of County

Commissioners of Hamilton County, Ohio, this 12th day of April, 2004.

Jacqueline Panioto, Clerk  
Board of County Commissioners  
Hamilton County, Ohio