

**Chapter 16 Flood Plain Overlay Regulations**

16.01 **Purpose:** The purpose of the flood plain regulations is the promotion of the public health, safety and general welfare and the minimization of the public and private losses due to flood conditions in specific areas. This is accomplished by:

- A. Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities, and developments, will cause unacceptable increases in flood heights, velocities, and frequencies.
- B. Restricting or prohibiting certain uses, activities and developments from locating within areas subject to flooding.
- C. Requiring all those uses, activities and developments that do occur in flood prone areas to be protected and/or flood proofed against flooding and flood damage.
- D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

16.02 **Findings of Fact:** The flood hazard areas of the Village of Maineville are subject to periodic inundation which results in the loss of life, 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, all of which adversely affect the public health, safety and welfare.

These flood losses are the result of the cumulative effect of obstructions in flood hazard areas which cause increases in flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to flood loss.

16.03 **Application:** The regulations set forth in this chapter, or set forth elsewhere in the Zoning Ordinance, are the zoning regulations for the flood plain areas and shall apply to all lands within the jurisdiction of the Zoning Ordinance.

16.04 **Warning and Disclaimer of Liability:** The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the flood plain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.

16.05 **Basis of Flood Plain Areas:** The flood plain shall include all areas subject to inundation by waters of the one hundred year flood. The flood plain is comprised of two parts, the floodway and the floodway fringe. The basis for the delineation shall be the engineering report entitled Flood Insurance Study, County of Warren, Ohio, Unincorporated Areas dated October 15, 1980 and effective April 15, 1981 prepared by the Federal Emergency Management Agency, Federal Insurance Administration. This study, with the accompanying maps and any revisions thereto, is hereby adopted by reference and declared to be part of the Zoning Ordinance. The Flood Insurance Study is to be on file in the Office of the Village Zoning Inspector. For that area denoted on the Flood Insurance Study maps as “Approximate One Hundred (100) Year Flood Boundary” areas for which no detailed flood profiles or elevations are provided other sources of data may be used such as:

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- A. U.S. Army Corps of Engineers - Flood Plain Information Reports.
- B. U.S. Geological Survey - Flood Prone Quad-angles.
- C. U.S. Department of Agriculture, Soil Conservation Service - Soil Survey of Warren County, Ohio and Flood Hazard Analysis Studies.
- D. Ohio Department of Natural Resources - Flood Hazard Reports and Flood Profile Charts.
- E. Known High Water Marks from past floods.
- F. Warren County Soil and Water.

Where the one-hundred (100) year flood elevation cannot be determined for this area using other sources of data, the applicant for the proposed use, development, and/or activity shall, if requested to do so by the Zoning Inspector, determine the one-hundred year flood elevation in accordance with hydrologic and hydraulic analysis which shall be undertaken only by registered professional engineers who shall demonstrate that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Village Council.

- 16.06 **Flood Hazard Area Provision:** All uses, activities and development occurring within any flood plain shall be undertaken only in strict compliance with the provisions of the Zoning Ordinance and with all other applicable codes and regulations of the Village of Maineville and Warren County, State of Ohio, and Federal.

Prior to any proposed alteration or relocation of a watercourse, notification of the proposal shall be given to all affected adjacent communities. Copies of such notifications shall be forwarded to both the Federal Emergency Management Agency; the Flood Insurance Coordinator, Ohio Department of Natural Resources; and the U.S. Army Corps of Engineers, Louisville District, and other agencies required by law.

16.07 **Permitted Uses:**

- A. No use, activity or any other development shall be permitted in the floodway except the following uses provided the property is zoned properly for the intended use and the use is not prohibited by any other regulations or paragraph or section of this chapter:
  - 1. Agricultural uses with the exception of any building or structure.
  - 2. Public or private recreational areas and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, trap and skeet ranges, and hunting and fishing areas with the excepting of any building or structure.
  - 3. Utilities and public facilities improvements such as railroads, streets, bridges, transmission lines, pipe lines and other similar or related uses with the excepting of any buildings.
- B. No development, use or activity (including fill, grading and/or substantial improvements to structures, etc.,) shall be permitted in the Floodway Fringe unless the applicant for the proposed development, use or activity has demonstrated that the proposed undertaking, when combined with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the 100 year flood more than one (1) foot at any point. The engineering principal, equal reduction of conveyance shall be used to make the determination of increases in flood heights.

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The following uses and activities having a low flood damage potential and not obstructing flood flows are permitted in the floodway fringe provided the property is zoned properly for the intended use and the use is not prohibited by any other regulations or paragraph or section of this chapter; and further that no building or structure shall be erected, constructed, reconstructed, altered, or moved into the premises unless it is elevated to a level which is one point five (1.5) feet above the one hundred (100) Year Flood Level, and the PUD for such use has been approved.

1. Agricultural uses.
2. Public or private recreational areas and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet ranges, and hunting and fishing areas.
3. Summer camps, cabins and trailer camps which provide central management and control to assure seasonal or temporary occupancy only.
4. Accessory residential uses such as side yard areas, gardens, play areas, and pervious parking areas.
5. Accessory industrial and commercial uses such as yard areas, and pervious parking and loading areas.
6. Utilities and public facilities improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewer treatment plants and other similar or related uses.
7. Extraction of sand, gravel and other materials.
8. Temporary uses such as circuses, carnivals, and similar activities.
9. Storage of materials and equipment provided that they are not subject to major damage by flooding, and provided that such material and equipment is firmly anchored to prevent floatation or movement and/or can be readily removed from the area within the time available after a flood warning.
10. Other similar uses and activities provided they do not cause more than the maximum allowable increase in flood heights and/or velocities. All uses, activities and structural developments shall be undertaken in strict compliance with the flood protection provisions contained in all other applicable codes and regulations.