

EXHIBIT A-Amended

**1363.01 DEFINITIONS.**

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage.

- (a) Accessory Structure: A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) Appeal: A request for review of any notice, order, or other official action of the floodplain administrator.
- (c) Base Flood: 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 1% chance annual flood or one-hundred (100) year flood.
- (d) Base (100-Year) Flood Elevation (BFE): The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL).
- (e) Basement: Any area of a building having its floor subgrade (below ground level).
- (f) Development: Any manmade change to improved or unimproved real estate in the 100-year floodplain, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or temporary or permanent storage of equipment or materials.
- (g) Enclosure Below the Lowest Floor: See "Lowest Floor."
- (h) Executive Order 11988 (Floodplain Management): Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (i) Federal Emergency Management Agency (FEMA): The agency with the overall responsibility for administering the National Flood Insurance Program.
- (j) Fill: A deposit of earth material placed by artificial means.
- (k) Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (1) The overflow of inland or tidal waters, and/or

- (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (l) Flood Fringe: The portion of the Special Flood Hazard Area outside the Floodway which usually contains slow-moving or standing water.
- (m) Flood Hazard Boundary Map (FHBM): Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (n) Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (o) Flood Insurance Risk Zones: Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
  - (1) Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
  - (2) Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
  - (3) Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
  - (4) Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
  - (5) Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
  - (6) Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
  - (7) Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.

- (p) Flood Insurance Study (FIS): The report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- (q) Flood Protection Elevation: The Flood Protection Elevation, or FPE, is the base flood elevation plus one (1) foot of freeboard. In areas where no base 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.
- (r) Floodway:
- (1) The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point.
  - (2) The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (s) Freeboard: A factor of safety usually expressed in feet above flood level for the purposes of floodplain management. Freeboard is designed to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (t) Hazardous materials: The materials listed or defined in 40 CFR 302.4 or 40 CFR 261.3.
- (u) Historic structure: 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; or

- (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; or
  - (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
  - (4) Individually listed on the inventory of historic places maintained by the City of Wooster's historic preservation program, which program is certified by the Ohio Historic Preservation Office.
- (v) Hydrologic and hydraulic engineering analysis: An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as prescribed by FEMA, used to determine flood elevations and/or floodway boundaries.
- (w) Infectious materials: The materials defined in Ohio Administrative Code Section 3745-27-01.
- (x) Letter of Map Change (LOMC). A Letter of Map Change is 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:
- (1) Letter of Map Amendment (LOMA): A revision based on technical data showing that a 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.
  - (2) 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.
  - (3) 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.

- (y) Lowest floor: 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, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.
- (z) Manufactured home: 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". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.
- (aa) Manufactured home park: As specified in the Ohio Administrative Code Section 3701-27- 01, a manufactured home park means any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.
- (bb) National Flood Insurance Program (NFIP): 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 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.
- (cc) New construction: Structures for which the "start of construction" commenced on or after the initial effective date of the City of Wooster Floodplain Management

Regulation [June 21, 2007], and includes any subsequent improvements to such structures.

- (dd) Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.
- (ee) Radioactive materials: All materials containing radioactive nuclides that are not under the exclusive jurisdiction of the US Nuclear Regulatory Commission, including naturally occurring radioactive material (NORM) and technologically enhanced naturally occurring radioactive material (TENORM).
- (ff) Recreational vehicle: A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (gg) Registered Professional Architect: A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.
- (hh) Registered Professional Engineer: A person registered as a professional engineer under Chapter 4733 of the Revised Code.
- (ii) Registered Professional Surveyor: A person registered as a professional surveyor under Chapter 4733 of the Revised Code.
- (jj) Special Flood Hazard Area: Also known as "Areas of Special Flood Hazard" or "100-year Floodplain", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated by other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse. Special

Flood Hazard Areas are divided into two areas based on water velocity: the Floodway and the Flood Fringe.

- (kk) Start of Construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, 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.
- (ll) Structure: A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (mm) Substantial Damage: 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.
- (nn) Substantial Improvement: 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 include:
  - (1) Any improvement to a structure that is considered "new construction,"
  - (2) 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 safe living conditions; or

- (3) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".
- (oo) Variance: A grant of relief from the standards of these regulations consistent with the variance conditions herein.
- (pp) Violation: Any non-compliance with these regulations or a permit or order issued by the Floodplain Administrator.

### **1365.03 FLOODPLAIN PERMITS.**

A floodplain permit shall be required for any development in the floodplain. It shall be unlawful for any person to conduct any development activity, including, but not limited to, filling; grading; construction; alteration, remodeling, or expanding any structure; temporary or permanent storage of equipment or materials, or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1361.06, until a floodplain permit is obtained from the Floodplain Administrator. Such floodplain permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

### **1365.04 APPLICATION REQUIRED.**

An application for a floodplain permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her/its authorized agent, herein referred to as the applicant, prior to the commencement of such development on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require the applicant to determine the development's location. Such applications shall include, but not be limited to:

- (a) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; and the location of existing or proposed structures, fill, material storage areas, drainage facilities, and other existing and proposed development.
- (b) Elevation of the existing, natural ground where structures are proposed.
- (c) Elevation of the lowest floor, including basement, of all proposed structures.

- (d) Description of materials proposed to be stored that contain infectious materials, hazardous materials, or radioactive materials.
- (e) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- (f) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain permit when applicable, including:
  - (1) Floodproofing certification for non-residential floodproofed structure as required in Section 1367.05.
  - (2) Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1367.04(e) are designed to automatically equalize hydrostatic flood forces.
  - (3) Description of any proposed watercourse alteration or relocation demonstrating that the flood carrying capacity of the watercourse will not be diminished, and provision of maintenance assurances as required in Section 1367.09(c).
  - (4) A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1367.09(b).
  - (5) A hydrologic and hydraulic engineering analysis showing the impact of any development on flood heights in an identified floodway as required by Section 1367.09(a).
  - (6) Generation of base flood elevation(s) for subdivision and large-scale developments, as required by Section 1367.03.
- (g) Certification by a registered professional engineer or architect that infectious materials, hazardous materials, radioactive materials, or a mixture of such materials with other materials, that are or will be stored on the property will be protected from coming into contact with a base flood by dikes, earthen berms, or other comparable structures.

- (h) Each application for a floodplain permit shall be accompanied by a fee in the amount specified in the Schedule of Fees and Charges codified at Chapter 1349 of the Codified Ordinances.

**1367.081 STORAGE OF INFECTIOUS MATERIALS, HAZARDOUS MATERIALS, OR RADIOACTIVE MATERIALS**

All containers storing infectious materials, hazardous materials, or radioactive materials shall be watertight, flood-proofed, and firmly anchored to prevent flotation or lateral movement.