



Ohio Administrative Code Rule 1501:22-1-01 Definitions.

Effective: July 26, 1990

For purposes of rules 1501:22-1-01 to 1501:22-1-08 of the Administrative Code:

- (A) "Appurtenant structure" means a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure.
- (B) "Appeal" means a request for a review of the county or municipal corporation permit administrator's interpretation of any provision of the flood damage prevention regulations or a request for a variance.
- (C) "Area of shallow flooding" means a designated AO, AH, or VO zone on a county's or municipal corporation's Flood Insurance Rate Map (FIRM) with a one per cent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (D) "Area of special flood hazard" is the land in the floodplain within a county or municipal corporation subject to a one per cent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, VO, V1-30, VE, or V.
- (E) "Base flood" means the flood having a one per cent chance of being equalled or exceeded in any given year. The base flood is also referred to as the one-hundred year flood.
- (F) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- (G) "Breakaway wall" means a wall that is not part of the structural support of the building and is



intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(H) "Coastal area" means the waters of lake Erie, the islands in the lake, and the lands under and adjacent to the lake, including transitional areas, wetlands, and beaches. The coastal area extends in lake Erie to the international boundary line between the United States and Canada and landward only to the extent necessary to include shore-lands, the uses of which have a direct and significant impact on coastal waters as determined by the director of natural resources.

(I) "Coastal flood hazard area" means any territory within the coastal area that has been identified as a special flood hazard area under the Flood Disaster Protection Act of 1973, 87 Stat. 975, 42 U.S.C.A. 4002, as amended, and is subject to lake Erie-related flooding.

(J) "Coastal high hazard area" means an area of special flood hazard, as identified by the federal emergency management agency, along the open coast at lake Erie and any other area subject to high velocity wave action from storms or seismic sources along lake Erie and its bays.

(K) "Development" means any artificial change to improved or unimproved real estate, including, without limitation, the construction of buildings and other structures and mining, dredging, filling, grading, paving, excavation and drilling operations.

(L) "Director" means the director of the department of natural resources, state of Ohio or his designee.

(M) "Elevated building" means a non-basement building (a) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building"



also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of paragraph (D)(4) of rule 1501:22-1-04 of the Administrative Code.

(N) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a county or municipality.

(O) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(P) "Federal Emergency Management Agency" (FEMA) means the federal agency with the overall responsibility for administering the national flood insurance program.

(Q) "Flood Hazard Boundary Map" (FHBM) means an official map of a county or municipal corporation, issued by the federal emergency management agency, where the boundaries of the flood areas having special hazards have been designated as Zone A.

(R) "Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the federal emergency management agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

(S) "Flood insurance rate zones" means the various flood insurance risk premium zones identified on a county's or municipal corporation's FIRM or FHBM issued by the federal emergency management agency. The symbols used to designate these zones are as follows:

A	Area of special flood hazard without base flood elevations determined.
A1-30, AE	Area of special flood hazard with base flood elevations determined.



AO	Area of special flood hazard having shallow water depths and/or unpredictable flow paths between one and three feet.
A99	Area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes.
AH	Area of special flood hazard having shallow water depths and/or unpredictable flow paths between one and three feet, and with base flood elevations determined.
V	Area of special flood hazard along coast with velocity hazard (coastal high hazard area); no base flood elevations determined.
V1-30, VE	Area of special flood hazard along coast with velocity hazard (coastal high hazard area); base flood elevations determined.
VO	Area of special flood hazard along coast with velocity hazard having shallow water depths and/or unpredictable flow paths between one and three feet.
B, X	Area of moderate flood hazard.
C, X	Area of minimal hazard.
D	Area of undetermined but possible flood hazard.

(T) "Flood insurance study" means the official report in which the federal emergency management agency has made an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations and floodway boundaries.

(U) "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 a designated height.

(V) "Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(W) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building



and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(X) "Historic structure" means any structure that is:

(1) Listed individually in the national register of historic places (a listing maintained by the United States department of the interior) or preliminarily determined by the secretary of the United States department of the interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the secretary of the United States department 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 the state inventory of historic places; or

(4) Individually listed on a local inventory of historic places in counties or municipal corporations with historic preservation programs that have been certified by the Ohio historical society.

(Y) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). 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 not built so as to render the structure in violation of the applicable non-elevation design requirements of rule 1501:22-1-04 of the Administrative Code.

(Z) "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 attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(AA) "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 Revised Code, over which the public health council has exclusive rule making power.

(BB) "National Flood Insurance Program" means a federal program established by Congress in 1968,



that allows property owners to purchase federally backed flood insurance within communities that participate in this program. In return for this insurance protection, participating communities must regulate new development within special flood hazard areas identified and mapped by the federal emergency management agency.

(CC) "New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a county or municipal corporation and includes any subsequent improvements to such structures.

(DD) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a county or municipality.

(EE) "Noncompliance" means the failure of a structure or other development to be fully compliant with the standards of the national flood insurance program or those promulgated under rule 1501:22-1-04 of the Administrative Code concerning floodplain management criteria.

(FF) "Recreational vehicle" means a vehicle which is (1) built on a single chassis; (2) four hundred square feet or less when measured at the largest horizontal projections; (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) "Special flood hazard area" means the same as "area of special flood hazard."

(HH) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days of the permit date. Start of construction means 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 the building.

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

(JJ) "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 fifty per cent of the market value of the structure before the damage occurred.

(KK) "Substantial improvement" means any rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty per cent 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 either (1) 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 by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure."

(LL) "Variance" means a grant of relief by a county or municipal corporation from the terms of its floodplain management regulations.