

§42-349. Floodplain Development Permits

- A. Purpose. A Floodplain Development Permit shall be required for any new development in a *Special Flood Hazard Area (SFHA)*.
- B. Permit Issuance. The *Floodplain Administrator* shall issue Floodplain Development Permits.
- C. Application.

(1) Application. Application for a Floodplain Development Permit shall be made to the *Floodplain Administrator* prior to any development activities proposed to be located within an *SFHA*. The following items/information shall be presented to the *Floodplain Administrator* to apply for a Floodplain Development Permit:

- a. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed *floodplain* development:
 - 1. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed *structures*, utility systems, proposed grading/pavement areas, fill materials, storage areas, drainage facilities, and other proposed development;
 - 2. The boundary of the *Special Flood Hazard Area* as delineated on the *FIRM* or other flood map as determined in §42-232.2 (Basis for Establishing the Special Flood Hazard Areas), or a statement that the entire *lot* is within the *Special Flood Hazard Area*;
 - 3. *Flood zone(s)* designation of the proposed development area as determined on the *FIRM* or other flood map as determined in §42-232.2 (Basis for Establishing the Special Flood Hazard Areas); or a statement that the entire *lot* is within the *Special Flood Hazard Area*;
 - 4. The boundary of the *flood fringe* area, if any, as set out in the *FIRM*;
 - 5. The boundary of the *floodway(s)* or *non-encroachment area(s)* as determined in §42-232.2 (Basis for Establishing the Special Flood Hazard Areas);
 - 6. The *Base Flood Elevation (BFE)*, where provided, as set forth in §42-232.2 (Basis for Establishing the Special Flood Hazard Areas); §42-310 (Henderson County Floodplain Administrator) A (Powers and Duties Pursuant to this Chapter) (14), (17), and (18); §42-234.4 (Standards for Floodplains without Established Base Flood Elevations); and/or §42-234.5 (Standards for Riverine Floodplains with BFE Data but Without Established Floodways);
 - 7. The old and new location of any *watercourse* that will be altered or relocated as a result of the proposed development; and
 - 8. Certification of the plot plan by, or under the direct supervision of, a registered land surveyor or professional engineer.
- b. Proposed elevation, and method thereof, of all development within a *Special Flood Hazard Area* including but not limited to:
 - 1. Elevation in relation to *mean sea level* of the proposed reference

- level (including *basement*) of all *structures*;
2. Elevation in relation to *mean sea level* to which any nonresidential *structure* in Zone AE, A or AO will be floodproofed; and
 3. Elevation in relation to *mean sea level* to which any proposed utility systems will be elevated or floodproofed;
- c. If *floodproofing*, a *Floodproofing Certificate* (*FEMA Form 81-65*) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures. Back-up plans from a registered professional engineer or architect certifying that the nonresidential floodproofed development will meet the floodproofing criteria in Article VIII (Natural Resources) Subpart A (Flood Damage Prevention) are also required.
 - d. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention) are met. These details include but are not limited to:
 1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/*shear walls*); and
 2. Details of sufficient openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with §42-234.2 (Specific Standards) D (Elevated Structures) (3) when solid foundation perimeter walls are used in Zones A, AO, and AE.
 - e. Usage details of any enclosed space below the *lowest floor*.
 - f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - g. Copies of all other Local, State and Federal permits required prior to Floodplain Development Permit issuance (*Wetlands*, Endangered Species, , *Riparian Buffers*, Mining, etc.).
 - h. Documentation for placement of *recreational vehicles* and/or *temporary structures* to ensure the provisions of §42-234.2 (Specific Standards) F (Recreational Vehicles) are met.
 - i. Where the *base flood elevation* data is not provided, the application for a development permit must show construction of the *lowest floor* at least two (2) feet above the *highest adjacent grade*.
 - j. A description of proposed *watercourse* alteration or relocation when applicable, including an engineering report on the effects of the proposed project on flood-carrying capacity of the *watercourse* and the effects to properties located both upstream and d downstream; and a map (if not shown on plot plan) showing the location of the proposed *watercourse* alteration or relocation.