

SECTION 10
FLOOD HAZARD REGULATIONS

10.1 STATUTORY AUTHORIZATION:

- A. The legislature of the State of Colorado has, in Colorado Revised Statutes, Sections 29-20-104 and 30-28-110, delegated the responsibility to local governmental units to adopt certain regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Board of County Commissioners of Ouray County Colorado has resolved as follows:

10.2 FINDINGS OF FACT:

- A. The flood hazard areas of Ouray County are subject to periodic inundation that may result in loss of life and 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 that may adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

10.3 STATEMENT OF PURPOSE

It is the purpose of this regulation to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities, critical facilities and infrastructure and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of flood prone areas so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for risks

10.4 METHODS OF REDUCING FLOOD LOSSES:

In order to accomplish its purpose, this regulation includes methods and provisions for:

- A. Restricting or prohibiting uses that are dangerous to health, safety and property due to water or erosion hazards, or that result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels and natural protective barriers that help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging and other development that may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards in other areas.

10.5 GENERAL PROVISIONS

A. Land to Which These Regulations Apply

- 1) These regulations shall apply to all areas of special flood hazards and areas removed from the flood plain by a FEMA Letter of Map Revision Based on Fill (LOMR-F) within unincorporated Ouray County.

B. Basis for Establishing the Areas of Special Flood Hazard

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “The Flood Insurance Study for Ouray County, Colorado and Incorporated Area; 1/11/2024, with accompanying Preliminary and/or Revised Preliminary Flood Insurance Rate Maps (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be part of these Flood Hazard Regulations. The Flood Insurance Studies and their accompanying FIRMs are on file at the Land Use Department of Ouray County, 111 Mall Road, Ridgway, Colorado, 81432.

C. Compliance

- 1) No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this regulation and other, applicable regulations.

D. Abrogation and Greater Restrictions

- 1) This regulation is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this regulation and another regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation

- 1) In the interpretation and application of this regulation, all provisions shall be:
 - a) Considered as minimum requirements;
 - b) Liberally construed in favor of the governing body; and
 - c) Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning and Disclaimer of Liability

- 1) The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply that land outside the areas of special flood hazards or uses permitted within such areas of special flood hazards will be free from flooding or flood damages. This regulation shall not create liability on the part of Ouray County, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder.

10.6 ADMINISTRATION**A. Establishment of Development Permit**

- 1) A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 10.5(A,B). Application for a Development Permit shall be made on forms furnished by the Building Official 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 or 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 structures;
 - b) Elevation in relation to mean sea level to which any structure has been floodproofed;
 - c) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 10.8; and
 - d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Building Official to Administer Regulations

The Building Official is hereby appointed to administer and implement this regulation by granting or denying development permit applications in accordance with its provisions.

C. Duties and Responsibilities of Building Official

Duties of the Building Official shall include, but not be limited to:

1) Permit Review:

- a) Review all development permits to determine that the permit requirements of this regulation have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

- c) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this regulation, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point.

2) Use of Other Base Flood Data:

When base flood elevation (herein referred to as "Base Flood Elevation" or "BFE") data has not been provided in accordance with Section 10.5(B), Basis for Establishing the Areas of Special Flood Hazard, the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source as criteria for requiring that new construction, substantial improvements or other development in a Flood Hazard Zone are administered in accordance with Section 10.8(B), Specific Standards.

3) Information to be Obtained and Maintained:

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) for all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
 - i) Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.
 - ii) Maintain the floodproofing certifications required in Section 10.6(A)(3).
- c) Maintain for public inspection all records pertaining to the provision of this regulation.

4) Alteration of Watercourses:

For all proposed developments that alter a watercourse within areas of special flood hazards, the following standards and requirements apply:

- a) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
- b) Channelization and flow diversion projects shall evaluate the residual 1% annual chance of flood area (ie. floodplain).
- c) Any channelization or other stream alteration activity proposed must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.
- d) Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
- e) All activities within the regulatory floodplain shall meet all applicable Federal, State and local floodplain requirements and regulations.

- f) Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is no rise in the resulting proposed conditions compared to existing conditions in the floodway resulting from the project, otherwise known as No-Rise Certification.
- g) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

5) Interpretation of FIRM Boundaries:

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards. (For example, where there appears to be a conflict between a mapped boundary and actual field conditions.) If an exact location of the floodplain boundary is unclear or contested, the landowner may provide a survey by a registered and licensed surveyor. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 10.7.

6) Removal of Property from the Floodplain by Fill

A floodplain development permit shall not be issued for the construction of a new structure or significant exterior improvement or remodeling of an existing structure where the property is removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) unless it meets the requirement for one foot of freeboard above the BFE based on the BFE as it existed prior to the placement of fill.

10.7 VARIANCE PROCEDURES

A. Appeal Board

- 1) The Board of Adjustment, as established by Ouray County, shall hear and decide appeals and requests for variances from the requirements of this regulation.
- 2) The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Official in the enforcement or administration of this requirement.
- 3) An appeal of a decision of the Board of Adjustment may be taken as provided in Colorado Revised Statutes, 30 28 118.
- 4) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations and all relevant factors and standards as specified in other sections of this regulation, and:
 - a) The danger that materials may be swept onto other lands to the injury of others;
 - b) The danger to life and property due to flooding or erosion damage;
 - c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d) The importance of the services provided the proposed facility to the community;
 - e) The necessity to the facility of a waterfront location, where applicable;
 - f) The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;

- g) The compatibility of the proposed use to the existing and anticipated development;
 - h) The relationship of the proposed use to master plan and flood management program for that area, if any;
 - i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- 5) Upon consideration of the factors of Section 10.7 (A)(4) and the purposes of the regulation, the Board of Adjustment may attach terms and conditions to the granting of variances as it deems necessary to further the purposes of this regulation.
 - 6) The Building Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

B. Conditions for Variance

- 1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size, contiguous to (common boundary) and surrounded by lots with existing structures constructed below the base flood elevation, providing items (a) through (k) of Section 10.7(A)(4) have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- 2) Variances may be issued for the repair or rehabilitation of structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- 3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 5) Variances shall only be issued upon:
 - a) A showing of good and sufficient cause;
 - b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, or create nuisances, cause fraud on or victimization of the public as identified in Section 10.7(A)(4), or conflict with existing local laws or ordinances.
- 6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

10.8 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all areas of special flood hazards, the following standards are required:

1) Anchoring:

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
- b) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be that:
 - i) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side;
 - ii) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four additional ties per side;
 - iii) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - iv) Any additions to a manufactured or existing mobile home must be similarly anchored.

2) Construction Materials and Methods:

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c) All new construction and substantial improvements shall 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 the components during conditions of flooding.

3) Utilities:

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- c) On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.

4) Development Proposals:

- a) All PUD proposals shall be consistent with the need to minimize flood damage;

- b) All PUD proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage;
 - c) All PUD proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - d) Base flood elevation data shall be provided for PUD proposals and other proposed developments that contain at least fifty (50) lots or five (5) acres, whichever is less.
- 5) Encroachments:**
- a) The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one-half (1/2) foot at any point.

B. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 10.5(B), "Basis for Establishing the Areas of Special Flood Hazard," or Section 10.6(C)(2), "Use of Other Base Flood Data," the following standards are required:

1) Residential Construction:

- a) New construction and substantial exterior improvements or remodels of any residential structure shall have the lowest floor, including basement, and electrical heating, ventilation, plumbing and air conditioning equipment or other service facilities elevated to at least one foot above base flood elevation.
- b) Require within any AO and AH Zone on the County's FIRM that all new construction and substantial exterior improvements of residential structures have the lowest floor (including basement and utilities) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the County's FIRM (at least three feet above the surveyed elevation if no depth number is specified on the FIRM map).
- c) Require within Zones AO and AH adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

2) Non-Residential Construction:

- a) New construction and substantial improvements of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement and utilities, elevated to at least one foot above the BFE or, together with attendant utility and sanitary facilities, shall:
 - i) Be flood-proofed so that, below one-foot above the base flood level, the structure is watertight, with walls substantially impermeable to the passage of water;
 - ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects or buoyancy; and
 - iii) Be certified by a registered professional engineer or architect that the standards of this subsection are in accordance with accepted standards of practice for meeting the provisions of this paragraph.
- b) Require within any AO and AH Zone on the County's FIRM that all new construction and substantial improvements of non-residential structures (i) have the lowest floor (including basement and utilities) elevated above the highest adjacent grade at least one-foot above as

the depth number specified in feet on the County's FIRM at least three feet if no depth number is specified) or (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standards specified in Section 10.8(A).

- c) Require within Zones AO and AH adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

3) Manufactured Homes:

- a) Manufactured homes shall be anchored in accordance with Section 10.8 (A)(1)(b).
- b) All manufactured homes, or existing mobile homes that are to be substantially improved, shall be elevated on a permanent foundation such that the lowest floor, and the utilities are at least one foot above the base flood elevation and are securely anchored to an adequately anchored foundation system. This paragraph applies to manufactured homes and to mobile homes to be placed or substantially improved in an existing mobile home park or, PUD.
- c) All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

- i) The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or
- ii) 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 flotation, collapse, and lateral movement.

4) Recreational Vehicles:

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- a) Be on the site for fewer than 180 consecutive days,
- b) Be fully licensed and ready for highway use, or

- c) Meet the permit requirements of Article 4, Section C, and the elevation and anchoring requirements for "manufactured homes" in Section 10.81b.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

5) Enclosures:

- a) New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for 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 for the entry and exit of floodwaters including:
- i) 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.
 - ii) The bottom of all openings shall be no higher than one-foot above grade.
 - iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

10.9 CRITICAL FACILITIES

All new and substantially remodeled Critical Facilities and new additions to Critical Facilities located within the special flood hazard area shall be either located outside of a special flood hazard area or shall be elevated to at least two feet above the BFE. New Critical Facilities shall, when practicable, have continuous non-inundated access (ingress and egress for evacuation and emergency response services) during a 1% annual chance of flood event.

Critical Facilities are those that house essential services such as public safety, emergency responders, emergency medical centers, emergency shelters, main communication hubs, public utility facilities for generation and distribution of power, water and gas (but do not include business offices); or sites and facilities that produce or store highly volatile, flammable, explosive, toxic or other hazardous materials such as chemical plants, laboratories, refineries, hazardous waste storage and disposal sites, and gasoline or propane storage or sales centers; facilities for at-risk populations, such as schools, nursing homes; and facilities vital to restoring normal services including government operations.

10.10 NOTIFICATIONS

County shall require notifications, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and sub evidence of such notification to FEMA.

10.11 DEFINITIONS

Base Flood Elevation (BFE) - The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Existing Manufactured Home Park or Subdivision - 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 community.

Expansion to Existing Manufactured Home Park or Subdivision - 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).

Flood Insurance Study (FIS) - The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Floodway (Regulatory Floodway) - The channel of a river or other watercourse and 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. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Lowest Floor - The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or 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 requirement of Section 60.3 of the National Flood insurance Program regulations

Manufactured Home Park or Subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction – The construction of a new structure (including the placement of a mobile home) or facility or the replacement of a structure or facility which has been totally destroyed.

New Manufactured Home Park or Subdivision - 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 community.

Recreational Vehicle - means a vehicle which is:

1. Built on a single chassis;
2. 400 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.

Start of Construction - The date the building permit was issued, including substantial improvements, 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 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.

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 just prior to when the damage occurred.

Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.