

LOCAL FLOODPLAIN PERMITTING PROCEDURES

A STEP-BY-STEP GUIDE

STEP 1: Verify if a state permit is required by the Kentucky Division of Water (DOW).

If the site is located in a shaded A Zone area, the site is located in the Special Flood Hazard Area (SFHA). Refer the property owner to the state Division of Water for a permit to “Construct Across or Along a Stream” (refer to KRS 151). **The DOW phone number is (502) 564-3410.**

- ❑ If the project site is obviously outside of the shaded A-Zone, then floodplain regulations do not apply.
- ❑ If the project site is in a shaded A-Zone (SFHA) or is a borderline question, proceed to Step 2.

STEP 2: Check to see if the project meets the definition of “development” of both the NFIP (National Flood Insurance Program) and the local ordinance.

“Development” includes:

- Construction, reconstruction, or placement of a building
- Additions to existing buildings
- Manufactured homes
- Travel trailers (RV’s)
- Filling or regrading
- Excavation
- Construction or erection of levees, dams or walls
- Storage of materials in floodplain (including gas or liquid tanks)
- Any other activity that might change the direction, height, or velocity of flood waters.

Development does not include: maintenance of existing building and facilities, resurfacing roads, gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.

NOTE: As a general rule of thumb, anything which alters the natural topography of the floodplain needs permit review.

STEP 3: When the site is located in a SFHA, the property owner should complete a state and local Floodplain/Building Permit Application.

NOTE: A location plat map of the site should be attached to every application form. Plans of the proposed development should also be attached showing existing and proposed conditions, including all appropriate dimensions and elevations.

STEP 4: Check to see if the project includes a new building or substantial improvement of an existing building.

A “building” is a structure that is principally above ground and is enclosed by walls and a roof, including manufactured homes and prefabricated buildings. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days. Regulations require that the vehicles be road ready (fully licensed and insured) and have quick disconnect utilities.

“Substantial improvement” is any addition, reconstruction, or repair (includes substantial damage) to an existing building that increases the market value by more than 50% in any rolling five-year period.

STEP 5: Once the state issues a stream construction permit, a copy will be sent to the property owner, the local floodplain official, and the Division of Water Regional Office. There will be stipulations on the state permit, as well as the base flood elevation (BFE) to which the property owner must build the lowest floor. The local official can transfer this information to the local floodplain permit if the official concurs with the state permit.

NOTE: Local ordinances may be more stringent than state regulations, if so, local ordinance standards take precedence over the state permit.

STEP 6: Ensure permittee (property owner) has a completed Elevation Certificate, signed by a professional engineer, architect or licensed surveyor. For an Elevation Certificate, see the Forms section of this Handbook or visit FEMA’s website at <http://www.fema.gov/nfip>.

Ensure the elevation certificate is properly completed, including:

- Fully enclosed areas below the lowest floor have at least a minimum of two (2) openings, with a total net area of not less than 1 square inch per square foot enclosed area. The bottom of the openings should be no higher than 1 foot above grade (See picture of vents and openings in the Elevation Certificate).
- Materials used below the lowest floor are resistant to flood damage;
- Verification of proper elevation of heating, ventilation, air conditioning (HVAC), electrical, plumbing equipment, and utility meters;
- Waterproof all water and sewer pipes and electrical and telephone lines located below the base flood elevation.

STEP 7: Make site inspections to ensure that the project is built according to the permitted plans. Document the as-built “lowest floor” elevation on an Elevation Certificate. Make sure the lowest floor level is the same or higher than the BFE and that the structure complies with provisions in the Elevation Certificate.

STEP 8: Keep all pertinent records, completed projects, and denied permits. Also, keep copies of the following:

- Local floodplain permit application
- Location plat map and plans
- State “Stream Construction Permit” for construction in or along a stream (refer to KRS 151)
- Local Floodplain Permit
- Elevation Certificate

FOR ASSISTANCE

- Kentucky Division of Water (DOW), Water Resources Branch, (502) 564-3410
- Federal Emergency Management Agency (FEMA), (770) 220-5428
- <http://www.fema.gov/nfip>