CHAPTER 1351
Flood Damage Reduction

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CROSS REFERENCES

Flood control bonds; public capital improvement - see Ohio Const. Art. V111, Sec. 21; Ohio R.C. 129.70 et seq.
County Commission flood control aid to governmental units - see Ohio R.C. 307.77
Levees - see Ohio R.C. 717.01
Construction permits and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06
Reduction of assessed valuation for establishing reservoirs - see Ohio R.C. 1521.09
Marking flood areas - see Ohio R.C. 1521.14
Review of flood plain management ordinances - see Ohio R.C. 1521.18

1351.01 GENERAL PROVISIONS.

A. Authority to Implement Flood Damage Ordinance.

(1) Article XVIII, §3, of the Constitution of the State of Ohio grants a municipal corporation the legal authority to adopt land use and control measures aimed at promoting the health, safety, and the general welfare of its residents. Therefore, the City Council of the City of Findlay, Hancock County, State of Ohio, does ordain the following Flood Damage Reduction Ordinance.

B. Findings of Fact.

(1) The City of Findlay has special flood hazard areas that are subject to periodic inundation, which could result in the loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the City's tax base. In addition, structures that are inadequately elevated, floodproofed, or otherwise unprotected from flood damage also contribute to flood loss. In order to minimize the threat of such damage, and to achieve the purposes set for the flood damage reduction, this chapter is adopted.

C. Statement of Purpose.

(1) It is the purpose of this flood damage reduction chapter to promote the public health, safety, and general welfare, and to:

(a) Protect human, animal, and aquatic life and health;

(b) Minimize expenditure of public money for costly flood control projects;

(c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) Minimize prolonged interruptions;

(e) Minimize damage to public facilities and utilities, such as water, wastewater, and gas mains, electric, telephone, streets and bridges located in areas of special flood hazard;

(f) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard, so as to protect property and to minimize future flood blight areas;

(g) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions and decisions;

(h) Minimize the impact of development on properties adjacent to, within, and near flood-prone areas;

(i) Ensure that the flood storage and conveyance functions of the floodplain are maintained;

(j) Minimize the impact of development on the natural, beneficial values of the floodplain;

(k) Prevent floodplain uses that are either hazardous or environmentally incompatible; and

(l) Meet community participation requirements of the National Flood Insurance Program [NFIP].

D. Methods of Reducing Flood Loss. In order to accomplish its purposes, this chapter includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property, due to water hazards; or which result in damaging increases in flood eights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the aeration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, excavating, and other development which could increase flood damage; and

(5) Preventing or regulating the construction of flood barriers that would unnaturally divert flood waters, or which could increase flood hazards in other areas.

E. Lands to Which this Chapter Applies.

(1) This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Findlay, as identified in Section 1351.01 F., including any additional areas of special flood hazard annexed by the City of Findlay after the effective date of this Chapter.

F. Basis for Establishing the Areas of Special Flood Hazard.

(1) For the purposes of this chapter, the following studies and maps, are adopted:

(a) Flood Insurance Study Hancock County, Ohio and Incorporated Areas Hancock County, effective June 2, 2011.

(b) Flood Insurance Rate Map Hancock County, Ohio and Incorporated Areas effective June 2, 2011.

(c) Other studies and/or maps which could be relied on for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways, or delineation of other areas of special flood hazard, including any FEMA-issued Letters of Map Amendment [LOMA], Letters of Map Revision [LOMR], as approved by FEMA and including conditional LOMA and LOMR that operate to reclassify a property or area; and technical bulletins published by FEMA and which are relied upon for accurate technical data and shall be considered "best available information".

(d) Any hydrologic and hydraulic engineering analyses generated by a registered Professional Engineer in the State of Ohio, which analysis has been approved by the City of Findlay, pursuant to Section 1351.04A.(3), Subdivisions and Large Scale Developments.

(2) Any revisions to the aforementioned maps and/or studies are hereby adopted by reference to them, and declared to be part of this Chapter. These studies, maps, letters, and bulletins are on file at the City of Findlay Municipal Building, Engineering Department, 318 Dorney Plaza, Findlay, Ohio 45840.

G. Abrogation and Greater Restrictions.

(1) The regulations contained in this chapter are not intended to repeal any existing Ordinances, including subdivision regulations, or zoning codes. In the event of conflict between the provisions of this chapter and any other chapter, the more restrictive shall be followed. The provisions of this chapter shall not impair any deed restrictions, covenant, or easement, but the land subject to such interests shall also be governed by this chapter.

H. Interpretation.

(1) In the interpretation and application of this chapter, all provisions shall be:

(a) Considered to be minimum requirements;

(b) Liberally construed in favor of the City Council of the City of Findlay;

(c) Deemed neither to limit nor to repeal any other powers granted under Ohio statute.

Where a provision of this chapter might be in conflict with an Ohio statute, federal statute, or other Ohio or federal regulation, such Ohio or federal statute or regulation shall take precedence over this chapter.

I. Warning and Disclaimer of Liability.

(1) The degree of flood protection required by this chapter 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 might be increased by man-made or natural causes. The provisions of this chapter do not imply that land outside the areas of special flood hazard, or uses permitted within such areas, will be free from flooding or flood damage. The provisions of this chapter shall not create liability on the part of the City of Findlay, any officer or employee of it, Mutual Aid Floodplain Administrator or their agency, or the Federal Emergency Management Agency [FEMA], for any flood damage that results from reliance on these regulations or any administrative decision lawfully made under this chapter.

J. Severability.

(1) Should any Section or provision of this chapter be declared by courts of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any part of it, other than the Section or provision declared to be unconstitutional or otherwise invalid. (Ord. 2013-024. Passed 5-21-13.)

1351.02 DEFINITIONS.

A. Unless specifically defined in this chapter, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage, and to give the provisions of this chapter the most reasonable application.

(1) Accessory structure. A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

(2) Addition cash value. The replacement cost for a building, minus a depreciation percentage based on age and condition.

(3) Addition. An extension to, or any increase in, or attachment to, any floor area or height of a building or structure.

(4) Administrator (also Floodplain Administrator). The person authorized pursuant to Section 1351.03 A., to enforce these Flood Damage Reduction regulations.

(5) Appeal. A request for review of the Floodplain Administrator's interpretation of any provision of this chapter, or a request for a variance.

(6) Area of special flood hazard. The land in the floodplain subject to a 1% or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency [FEMA] study, and are pursuant to adopted maps as Zones A, AH, AO, and A 1-30.

(7) At-grade crawlspace. An enclosed area below the lowest floor that is below the base flood elevation, but is equal to the lowest adjacent grade. See figure 1.

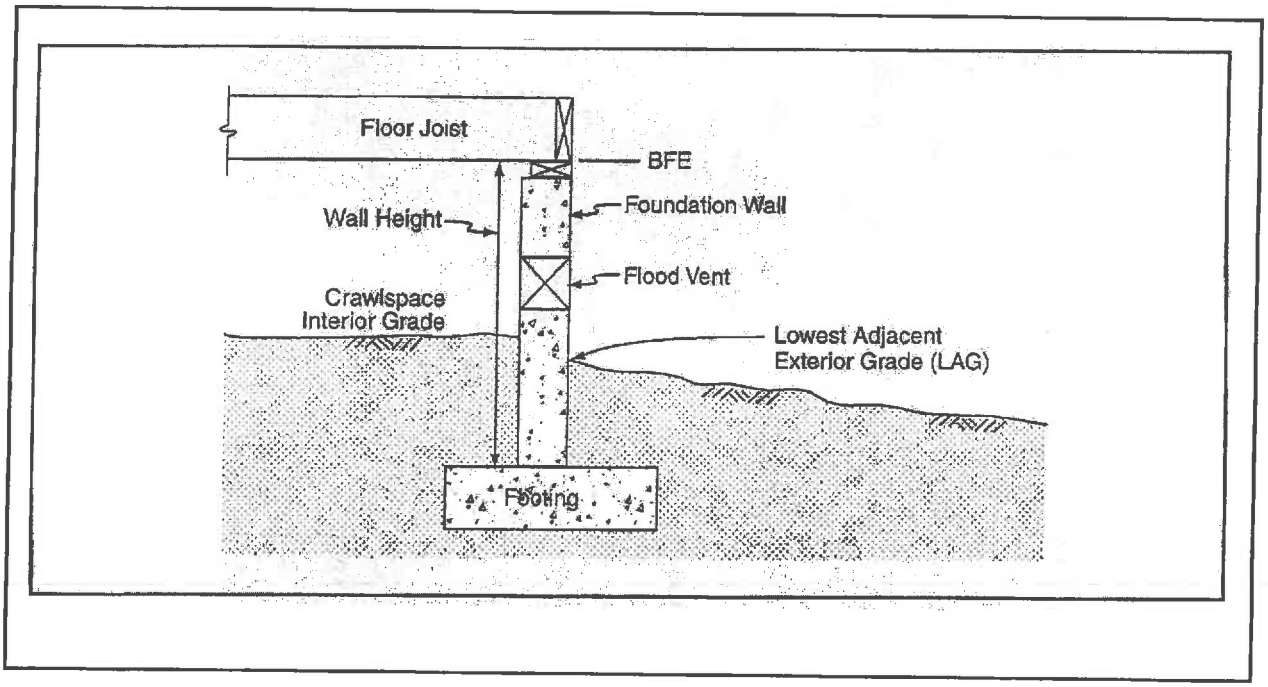

Figure 1: At-grade crawlspace construction (preferred)

(8) Base flood. The flood having a 1% chance of being equaled or exceeded in any given year. The base flood is also referred to as the 1% chance annual flood or 100-year flood.

(9) Base flood depth. A measurement of the base flood in feet above ground, used for shallow flooding.

(10) 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]. In Zone AO areas, the base flood elevation is the natural grade elevation, plus the depth number [from 1' to 3'].

(11) Basement. Any area of the building having its floor subgrade below ground level on all sides, meaning that nothing is exposed. This definition, however, does not apply to "walk-out" basements or below-grade crawl spaces.

(12) Below-grade crawl space. An enclosed area below the first floor and is below the base flood elevation, but is not more than two feet below the lowest adjacent grade, nor more than four feet from the crawl space floor to the bottom of the floor joists. The area is intended for storage but not habitable space. See figure 2.

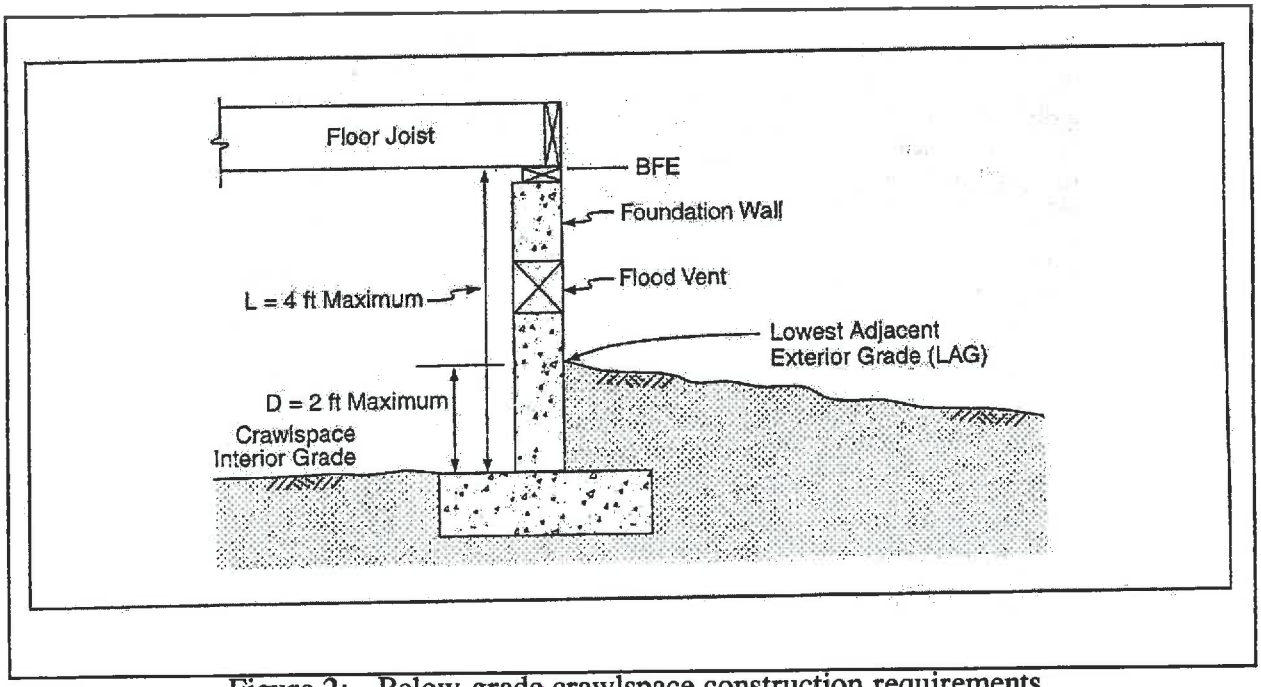

Figure 2: Below-grade crawlspace construction requirements

(13) Building. A type of structure, either temporary or permanent, that has a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or personal property of any kind.

(14) Certificate of Elevation. A document generated by a registered Ohio Professional Engineer or Ohio Registered Professional Surveyor, which records actual elevations in relation to the mean sea level [MSL] of all new construction or substantially improved structures, and includes: lowest floor elevation; 1st floor elevation; lowest adjacent grade; and other elements specified within the Certificate.

(15) Community. A city, county, township, Indian tribe or authorized tribal organization, or other local government with the statutory authority to adopt and enforce floodplain regulations and participate in the National Flood Insurance Program.

(16) Community Rating System (CRS). A program that provides a flood insurance premium rate reduction based on a community's floodplain management activities.

(17) Compensatory Storage. A provision that requires the compensation for filling or other development within the floodplain by creating an equal amount of floodwater storage within the site of the development. This excludes driveways, sidewalks, street resurfacing materials, structures with crawl spaces constructed in accordance with these regulations, and accessory structures more than 600 square feet in area.

(18) Contents coverage. The insurance on personal property within an enclosed structure, including the cost of debris removal, and the reasonable cost of the removal of contents to minimize damage.

(19) Contour. A line of elevation on a topographic (contour) map.
(20) Contour map. A topographic map that shows points with the same elevation as connected by a contour line.
(21) Crawl space. A shallow space, which is below the living quarters of a house or any office or commercial space, normally enclosed by the foundation wall, and having a dirt or gravel floor and not used for habitation. A crawl space is either an at-grade or below-grade type.
(22) Critical Facility. Includes, but is not limited to jails, hospitals, nursing homes, waste water treatment plants, water plants, fuel storage facilities, and police, fire, and EMS stations.
(23) Cross section. Surveyed information that describes the stream and the floodplain at a particular point along the stream.
(24) Datum. A common vertical elevation reference point, usually in relation to sea level.
(25) Detailed studies. Flood hazard mapping studies that are done using hydrologic and hydraulic methods that produce base flood elevations, floodways, and other pertinent flood data.
(26) Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, demolition, or drilling operations or storage of equipment or materials.
(27) Development permit. A permit that is granted or denied for a proposed development of property and buildings or structures located in special flood hazard areas or otherwise as regulated by this Chapter.
(28) Discharge. The amount of water that passes a point in a given period of time. Rate of discharge is usually measured in cubic feet per second (cfs).
(29) Dry floodproofing. A floodproofing method that prevents the entry of floodwaters into a structure. This method is certified by a registered professional architect or engineer that the structure is watertight and can withstand hydrostatic pressures. (See appendix C, Floodproofing Certificate)
(30) Dwelling. Any building or portion of a building that is occupied, in whole or in part, as a residence or sleeping place of one or more persons.
(31) Eminent domain. Governmental power to acquire property without owner's consent.
(32) Enclosure below the lowest floor. See, "lowest floor".
(33) Engineered vent. A vent placed in the foundation walls to equalize hydrostatic pressure in accordance with the provisions of this chapter. Each type of vent is designed to automatically allow the unobstructed entry and exit of flood waters equal to the ratio of one square inch of vent area for every square foot of enclosed area below the base flood elevation through a foundation wall.
(34) EO 11988. Executive Order 11988 Floodplain Management. A directive by the President that sets procedures Federal agencies must follow before they take or fund an action in the floodplain.
(35) Fair market value. The amount for which property would sell on the open market if put up for sale.
(36) Federal Emergency Management Agency [FEMA]. The agency having overall responsibility for administering the National Flood Insurance Program.

(37) Fill. A deposit of earth material placed by artificial means.

(38) Finished (Habitable) area. An enclosed area used for any purpose other than solely for parking of vehicles, building access, or storage.

(39) First floor area. The area of a building or structure that is within the exterior foundation walls at the existing or proposed site, including the attached garage floor area, if any. The first floor area is commonly referred to as the "footprint" of the building or structure. This definition excludes basement and crawl space.

(40) Flash flood. A flood in hilly and mountainous areas that may come scant minutes after a heavy rain. One can also occur in urban areas where pavements and drainage improvements speed runoff to a stream.

(41) Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

(42) Flood Development Permit. See "Development Permit".

(43) Flood fringe. The portion of the floodplain lying outside of the floodway.

(44) Flood Hazard Boundary Map [FHBM]. Usually the initial map, produced by the Federal Emergency Management Agency [FEMA], or U.S. Department of Housing and Urban Development [HUD], for a community, depicting approximate special flood hazard areas.

(45) Flood hazard mitigation. All actions that can be taken to reduce property damage and the threat to life and public health from flooding.

(46) 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.

(47) Flood Insurance Risk Zones. Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. These definitions comprise the "floodplain". The following are Zone definitions:

(a) Zone A. Special flood hazard areas inundated by the 100-year flood. Base flood elevations [BFEs] are not determined.

(b) Zones A1-30 and Zone AE. Special flood hazard areas inundated by the 100-year flood. Base flood elevations are determined.

(c) Zone AO. Special flood hazard areas inundated by the 100-year flood, with flood depths of 1' to 3' [usually sheet flow on sloping terrain]. Average depths are determined.

(d) Zone AH. Special flood hazard areas inundated by the 100-year flood, with flood depths of 1' to 3' [usually areas of ponding]. Base flood elevations are determined.

(e) 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.

(f) Zone B and Zone X [shaded]. Areas of 500-year flood. Areas subject to the 100-year flood with average depths of less than one foot, or with contributing drainage area less than one square mile; and areas protected by levees from the base flood.

(g) Zone C and Zone X [unshaded]. Areas determined to be outside the 500-year floodplain.

(48) Flood Insurance Study [FIS]. The official report in which the Federal Emergency Management Agency of 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.

(49) Flood mitigation assistance. A grant program that supports plans and projects for mitigating losses to insured buildings funded by the National Flood Insurance Program.

(50) Flood of record. The highest known flood level for the area, as recorded in historical documents.

(51) Flood resistant materials. Any building material capable of withstanding direct and prolonged (at least 72 hours) contact with floodwaters without sustaining significant damage (any damage requiring more than low cost cosmetic repair). See Appendix A, which may be subject to change according to NFIP requirements.

(52) Floodplain. Any land area, as delineated on the effective Flood Insurance Rate Map, susceptible to being inundated by flood waters from any source within the Special Flood Hazard Area.

(53) Floodproofing. Any combination of structural and nonstructural additions or changes to a building or structure, when such changes are designed by a registered Architect or Registered Professional Engineer to eliminate flood damage in structures, other than for residential uses. See appendix C, Floodproofing Certificate, as updated.

(54) Floodway. A floodway is 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 hydrologic and hydraulic 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 within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: moderate to high velocity floodwaters; high potential for debris and projectile impacts; and moderate to high erosion forces.

(55) Geographic Information System (GIS). Computer based map systems that allow the user to keep a map updated easily and to correlate geographic information with other data, such as tax records on properties.

(56) Hazard Mitigation Grant Program (HMGP). A FEMA disaster assistance grant that funds mitigation projects.

(57) HEC-2. A computer model used to conduct a hydraulic study, which produces flood elevations, velocities, and floodplain widths.

(58) HEC-RAS. A computer model used to conduct a hydraulic study, which produces flood elevations, velocities, and floodplain widths.

(59) Historic structure. Any structure that is:

(a) Listed individually in the National Register of Historic Places [a listing maintained by the U.S. Department of the Interior], or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(b) 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 of the Interior to qualify as a registered historic district; or

(c) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

(60) Host Community. A community that participates in the NFIP that has structures located within the SFHA which have sustained damage from a natural disaster or other calamity and is in need of assistance from a Mutual Aid Floodplain Administrator.

(61) Human intervention. Actions that must be taken by one or more persons before floodwaters arrive in order for a building to be floodproofed.

(62) Hydraulic shadow. An area upstream or downstream of an existing obstruction to flood flows.

(63) Hydrodynamic force. The force of moving water, including the impact of debris and high velocities.

(64) 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 accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

(65) Hydrology. The science dealing with the waters of the earth. A flood discharge study is developed by a hydrologic study.

(66) Hydrostatic pressure. The pressure put on a structure by the weight of standing water. The deeper the water, the more it weighs and the greater the hydrostatic pressure.

(67) Ice jam. Flooding that occurs when warm weather and rain break up frozen rivers and the broken ice floats down river until it is blocked by an obstruction, creating an ice dam that blocks the channel and causes flooding upstream.

(68) Increased Cost of Compliance (ICC) Coverage. An additional claim payment made to a flood insurance policyholder to help cover the cost of bringing a substantially damaged or repetitively damaged building into compliance with the community's floodplain management ordinance. This benefit only covers damage that is the result of flooding.

(69) Insurance Services Office, Inc. (ISO). An organization that provides support to FEMA on implementation of the Community Rating System.

(70) Letter of Map Change [LOMC]. A Letter of Map Change is an official FEMA determination, by letter, to amend or to revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are separated into the following categories:

(a) Letter of Map Amendment [LOMA]. A revision based on technical data, showing that a parcel of real property was incorrectly included within a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map, and establishes that a specific parcel of real property is not located in a special flood hazard area.

(b) Letter of Map Revision LOMR]. A revision based on technical data that, usually due to manmade changes, indicates changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination indicating whether a structure or parcel of real property has been elevated by fill above the base flood elevations, and is, therefore, excluded from the special flood hazard area.

(c) Conditional Letter of Map Revision [CLOMR]. A formal review and comment by FEMA regarding a proposed project and whether it 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.

(71) Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices 44 CFR 65.10 to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(72) Levee system. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices 44 CFR 65.10.

(73) Lowest floor. The lowest floor of the lowest enclosed area, including basement, of a structure. This definition excludes crawlspaces constructed in accordance with these regulations and an enclosure below the lowest floor, which is an unfinished or flood-resistant enclosure usable solely for parking vehicles, building access, or storage, in an area other than a basement area, provided that such enclosure is built pursuant to the applicable design requirements specified in this chapter for enclosures below the lowest floor.

(74) 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 purposes of this chapter, a manufactured home includes manufactured homes and mobile homes, as defined in Chapter 3733 of the Ohio Revised Code.

(75) Manufactured home park. As described at §3701-27-01 of the Ohio Administrative Code, 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 on the parcel of real estate, if the roadways are dedicated to the City.

(76) Mutual Aid Floodplain Administrator. The person authorized on behalf of a host community, pursuant to this chapter, to enforce these Flood Damage Reduction Regulations.

(77) National Flood Insurance Program [NFIP]. The NFIP is a federal program enabling owners of real property 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 escalating 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 the federal

government make flood insurance available within the community as financial protection against flood loss, In return the City agrees to adopt and to enforce floodplain management regulations to reduce future flood risk to all development in special flood hazard areas.

(78) National Geodetic Vertical Datum of 1929 (NGVD). A national datum used by the National Flood Insurance Program and is based on the mean sea level.

(79) New construction. Structures for which the start of construction commenced on or after the initial effective date of the initial City of Findlay Flood Insurance Rate Map, effective December 4, 1984, and includes any subsequent improvements to such structures.

(80) Non-conversion agreement. This is a restriction recorded on the deed of any property that has the floor of an enclosed area below the base flood elevation that is greater than four feet from the bottom of the floor joists of the floor above. This agreement prohibits this space from being converted into habitable space and limits its use to building access, the parking or storage of vehicles, or limited storage.

(81) Nonresidential use. A term used to describe a building, structure, or any part of a building or structure, that is used other than for occupancy as a dwelling or unit for human habitation.

(82) North American Vertical Datum of 1988 (NAVD). The vertical control datum established for vertical control surveying in the United States based upon the General Adjustment of the North American Datum of 1988. This datum replaced the NGVD 29.

(83) No-rise Certification. A certification by an engineer that a project will not cause a net increase in flood heights. See Appendix B, as updated.

(84) Non-structural flood protection measures. Administrative tools for controlling flooding and flood damage, including regulations on development, building codes, property acquisition and structure relocation, and modification of existing buildings.

(85) Overbank flooding. Flooding that occurs when downstream channels receive more rain or snowmelt from their watershed than normal, or a channel is blocked by and ice jam or debris. Excess water overloads the channels and flows out into the floodplain.

(86) Person. Includes an individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. Agency is further defined at 111.15 of the Ohio Revised Code, and is 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.

(87) Ponding. Runoff that collects in depressions and cannot drain out, creating a temporary pond.

(88) Post-FIRM building. For insurance rating purposes, a post-FIRM building was constructed or substantially improved after December 4, 1984. For a community that participated in the NFIP when its initial FIRM was issued, post-FIRM buildings are the same as new construction and must meet the NFIP's minimum floodplain management standards.

(89) Pre-FIRM building: For insurance rating purposes, a pre-FIRM building was constructed before December 4, 1984. Pre-FIRM buildings are not subject to the NFIP's minimum floodplain management standards until the Floodplain Administrator makes a substantial damage or substantial improvement determination.

(90) Principal building. A building that is constructed for the allowable use of the real property or parcel, pursuant to the Zoning district in which the building is located.

(91) Probability. A statistical term having to do with the size of a flood and the odds of that size of flood occurring in any year.

(92) Public/Infrastructure Assistance. A disaster assistance grant that helps public agencies and nonprofit organizations finance repairs and reconstruction of public infrastructure.

(93) Reasonable safe from flooding. Means that base floodwaters will not inundate the land or structure or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

(94) Reconstruction. Building a new structure on the old foundation or slab of a structure that was destroyed, damaged, or purposefully demolished or razed. The term also applies when an existing structure is moved to a new site.

(95) Recreational vehicle. Any vehicle that is:
- (a) Built on a single chassis; and
- (b) 400 square feet or fewer when measured at the largest horizontal projection; and
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, and not primarily as a permanent dwelling.

(96) Registered Professional Architect. A person registered to engage in the practice of architecture pursuant to §§4703.01 to 4703.19 of the Ohio Revised Code.

(97) Registered Professional Engineer. A person registered as a Professional Engineer pursuant to Chapter 4733 of the Ohio Revised Code.

(98) Registered Professional Surveyor. A person registered as a Professional Surveyor pursuant to Chapter 4733 of the Ohio Revised Code.

(99) Rehabilitation. An improvement made to an existing structure which does not affect its external dimensions.

(100) Residence. A building, structure, or part of a building or structure that is used for occupancy as a dwelling or other unit for human habitation. Residences that are contained in a mixed-use building shall comply with the first floor elevation requirements described in this chapter.

(101) Restudy. A new Flood Insurance Study for all or part of a community that has already had a Flood Insurance Study.

(102) Retrofitting. Any method including floodproofing, elevation, foundation venting, construction of small levees, and other modifications made to an existing building or its yard to protect it from flood damage.

(103) Revision. A change to a floodplain map based on new data submitted to FEMA.

(104) Riverine. Of or produced by a river.
(105) Roughness Manning's Coefficient3 (Manning's Principle). A measure related to ground surface conditions that reflects changes in floodwater velocity due to ground friction.
(106) Runoff. Rainfall and snowmelt that reaches a stream.
(107) Shed. An accessory building no more than 200 square feet in area used for the storage of lawn, garden, recreational, outdoor equipment, and the like.
(108) Sheet flow. Floodwater that spreads out over a large area that does not have defined channels at a somewhat uniform depth.
(109) Single building. Is a structure separated by other buildings by intervening clear space, or solid, vertical, load-bearing division walls from its lowest level to its highest ceiling. It must be a separately titled building contiguous to the ground; have a separate legal description; and must be regarded as a separate property for other real estate purposes, which means that it has most of its own utilities and may be deeded, conveyed, and taxed separately.
(110) Site. The boundary area of development that is to occur on a lot or contiguous tract of land.
(111) Special Flood Hazard Area. Also referred to as an Area of Special Flood Hazard, it is the land in the floodplain subject to 1% or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency in 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 could also refer to areas that are flood-prone and designated from 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.
(112) Stafford Act. The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, as amended, which authorizes FEMA's current disaster assistance programs and the Hazard Mitigation Program.
(113) 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 state 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.

(114) Statutory authority. The powers granted to a local government by state law.
(115) Stormwater detention. Storing stormwater runoff for release at a restricted rate after the storm subsides.
(116) Stormwater management. Efforts to reduce the impact of increased runoff that results from new development.
(117) Stormwater retention. Storing stormwater runoff for later use in irrigation or groundwater recharge, or to reduce pollution.
(118) Structure. A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
(119) Structural flood control. Measures that control floodwaters by construction of barriers or storage areas, or by modifying or redirecting channels.
(120) Submit to rate. A process used when an insurance agent cannot complete the rate calculation for a flood insurance policy. The application is sent to a Write Your Own Company or FEMA to be individually rated.
(121) Substantial damage. Damage from any origin that is sustained by a structure, whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50% of the market value of the structure before the damage occurred. The term does not include clean up (including dry out costs) and demolition costs.
(122) Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement to a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. This term does not include:
    (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified prior to the application for a development permit by the City code enforcement official, and that are the minimum necessary to ensure safe living conditions; or
    (b) Any alteration to a historic structure provided that the alteration does not preclude the structure's designation as a historic structure.
    (c) Any improvement of a structure that is considered "new construction".
(123) Variance. Granting relief from the standards of this Chapter, consistent with the variance conditions recited at Section 1351.05 D.
(124) Velocity. The speed of moving water and is a force that is measured in feet per second.
(125) Violation. The failure of a structure or other development to be fully compliant with this City of Findlay Flood Damage Prevention Ordinance.
(126) Watershed. An area that drains into a lake, stream, or other body of water.
(127) Watercourse. A natural or manmade channel through which water flows or is directed. It is the travel pathway of water.
(128) Wet floodproofing. Permanent or contingent measures applied to a structure and/or its contents that prevent or provide resistance to damage from flooding by allowing floodwaters to enter a structure. This is not intended for residential structures.
(129) Write Your Own (WYO). An insurance company that has agreed to sell flood insurance policies on behalf of the NFIP.
(Ord. 2013-024. Passed 5-21-13.)

1351.03 ADMINISTRATION.

A. Designation of the Floodplain Administrator. The Zoning/Floodplain Administrator is hereby authorized to administer, implement and enforce the provisions of this Chapter, and is referred to in this Chapter as the Floodplain Administrator. The Floodplain Administrator may delegate any and all tasks associated with floodplain administration.

B. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Evaluating applications for permits to develop land in special flood hazard areas.

(2) Interpreting floodplain boundaries and providing flood hazard and flood protection elevation information.

(3) Issuing permits to develop land in special flood hazard areas, when the provisions of this Chapter have been met; or refusing to issue a permit in the event of noncompliance with the provisions of this Chapter.

(4) Inspecting buildings and lands to determine whether any violations of this Chapter have occurred.

(5) Making and keeping a record for public disclosure and inspection, pursuant to Ohio R.C. 149.43 and other applicable statutes, and except where limited by Ohio statute, of all documents and other records necessary to the administration of this chapter, including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, permit issuance and permit denial records regarding development in special flood hazard areas, determinations of developments being in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement action taken when this chapter has been violated.

(6) Enforcing the provisions of this chapter.

(7) Providing information, testimony or other evidence, as needed, during variance hearings before the City of Findlay Planning Commission.

(8) Coordinating map maintenance activities and contacts with FEMA.

(9) Conducting determinations of substantial damage to existing structures, damaged from any source and in special flood hazard areas that FEMA has so identified, to ensure that the substantially damaged real property meets the development standards of this Chapter. However, reliable data collected from insurance adjusters and other persons with expertise to render such determinations, may be used by the Floodplain Administrator to make official substantial damage determinations.

(10) Oversee and supervise the Mutual Aid Floodplain Administrator.

C. Floodplain Development Permits. It is unlawful for any person to begin construction or other development activity, including, but not limited to, filling; grading; demolition, construction; alteration; remodeling, repairing, or expanding any structure; or any land or subdivision; alteration of any watercourse wholly within, partially within, or in contact with, any identified special flood hazard area, established in Section 1351.01 F., until a floodplain development permit is obtained from the Floodplain Administrator or his/her designee. Such floodplain development permit shall indicate that the proposed development activity conforms with the provisions of this chapter. The Floodplain Administrator shall issue no such permit until the provisions of this chapter have been complied with.

D. Application Requirement. An application for a floodplain development permit is required for all development activities located wholly within, partially within, or in contact with, an identified special flood hazard area. The application shall be made by the person who is owner of the real property at the date on which the permit is sought, or his/her authorized agent, who are separately or collectively referred to as the applicant. The application shall be memorialized on a form used for that purpose, prior to the actual commencement of construction. Where it is unclear that a development site is in a special flood hazard area, the applicant must submit survey data indicating whether the location of the development is or is not in a special flood hazard area. The data required in this Section are to be certified by a registered Professional Engineer or Professional Surveyor licensed in the State of Ohio. There is no exclusion in this Section for City capital improvements projects. The floodplain development permit application shall include, but not be limited to, the following:

(1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the real property sought to be developed; the location of existing and/or proposed structures; fill; storage of materials; drainage facilities.

(2) Elevation of existing, natural ground where structures are proposed to be sited.

(3) Elevation of the lowest floor, including basement or below-ground crawl space, of all proposed structures.

(4) If the Floodplain Administrator requires it, applicants shall provide information and scientific data to determine conformity with this Chapter.

(5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio, and submitted with an application for a floodplain development permit, when applicable. Such analyses are described at Section 1351.04.

(6) Volumetric calculations demonstrating compensatory storage must be provided as required by Section 1351.04 A. (10)(when applicable).

E. Permit Fees. All permit fees, as determined by the City of Findlay fee schedule current at the time of the permit application, must accompany the permit application.

F. Review and Approval of a Floodplain Development Permit Application.

(1) Review.

(a) The Floodplain Administrator or his/her designee shall review the permit application to ensure that the provisions of this chapter have been complied with.

(b) The applicant shall be responsible for obtaining such permits as required, including permits issued by the United States Army Corps of Engineers, pursuant to §10 of the Rivers and Harbors Act; and §404 of the Clean Water Act; and the Ohio Environmental Protection Agency, pursuant to §401 of the Clean Water Act.

(2) Approval.

(a) No later than 30 days after he/she receives a complete application, the Floodplain Administrator shall approve or deny the application. If an application is approved, a floodplain development permit shall be issued.

(b) All floodplain development permits shall expire one year after being issued.

(c) If the permitted activity has not been completed within that time, a new permit must be obtained.

(d) Work performed after the expiration of the first one-year permit, absent a renewal, shall stop until the appropriate permit is obtained. The Floodplain Administrator may impose a triple application fee in that event.

G. Inspections. The Floodplain Administrator or his/her designee shall make periodic inspections at appropriate times throughout the period of construction, in order to monitor compliance with the permit conditions.

H. Post-Construction Certification Required. The following as-built certifications are required after a floodplain development permit has been issued:

(1) For new construction or substantially improved residential structures, or for nonresidential structures that have been elevated, the applicant shall cause to be completed by a Surveyor registered in the State of Ohio a Federal Emergency Management Agency Elevation Certificate, in order to record as-built elevation data.

(2) For all development activities subject to the provisions of Section 1351.03 K., a Letter of Map Revision is required.

I. Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable if, among other occurrences, the actual development activity does not comport with the terms of the application and permit granted for the development. In the event that a permit is revoked, an appeal may be made to the City of Findlay Planning Commission, pursuant to Section 1351.05.

J. Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for the following activities:

(1) Maintenance work, such as, but not limited to, roofing, painting, basement sealing, and cosmetic improvements to the interior or exterior that are valued at less than $5,000.00. Maintenance work also includes small nonstructural development activities, except for filling and grading, when such activities are valued at less than $5,000.00.

(2) Development activities in an existing or proposed manufactured home park, when such activities are under the jurisdiction of the Ohio Department of Health, and are subject to the flood damage reduction provisions of §3701-27-07-02 of the Ohio Administrative Code.

(3) Major utility facilities permitted by the Ohio Power Siting Board, pursuant to §4906.04 of the Ohio Revised Code.

(4) Hazardous waste disposal facilities permitted by the Ohio Hazardous Waste Siting Board, pursuant to §3734.02 of the Ohio Revised Code.

(5) Development activities undertaken by a federal agency, and which are subject to federal Executive Order 11988: Floodplain Management.

Any proposed activity that is exempt from floodplain development permit filing requirements is also exempt from the provisions of this chapter.

K. Map Maintenance Activities. The purpose of map maintenance activities is primarily to meet National Flood Insurance Program minimum requirements. These requirements include review and approval by FEMA for purposes of verifying that the City of Findlay's flood maps, studies, and other data accurately represent flooding conditions. This purpose is important because appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:

(1) Requirement of new technical data submission.

(a) For all development proposals that have an impact on floodway delineations or base flood elevations, the City of Findlay shall ensure that technical data reflecting such changes are submitted to FEMA within six months after the date when such information first becomes available. Development proposals shall include:

1. Floodway encroachments that increase or decrease base flood elevations or that alter floodway boundaries.
2. Fill sites to be used for the placement of proposed structures when the applicant intends to remove the site from the special flood hazard area.
3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts.
4. Subdivision or large-scale development proposals requiring the establishment of base flood elevations pursuant to Section 1351.04 A.(3). For purposes of this Section, the term, "large-scale development", means any development containing at least 50 lots or 5 acres, whichever is less.

(b) It is the responsibility of the applicant to prepare or cause to be prepared technical data specified in this Section, and prepared in a format required for Conditional Letter of Map Revision or Letter of Map Revision, and cause the data to be submitted to FEMA.

(c) The Floodplain Administrator shall require that the applicant provide a Conditional Letter of Map Revision before the floodplain development permit is issued in either or both of the following circumstances:

1. Proposed floodway encroachments that increase the base flood elevations.
2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has indicated base flood elevations but no floodway.

(d) Floodplain development permits that the Floodplain Administrator issues shall be conditioned upon the applicant's having obtained a Letter of Map Revision from FEMA for any development proposal subject to the requirements of Section 1351.03 K.(1)(a).

(2) Right to submit new technical data. The Floodplain Administrator could require that the applicant provide changes to any of the data shown on an effective map [that is, an official floodplain map] that does not affect floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. If such requirement is imposed, the applicant shall submit supporting data made in writing to the Mayor of the City of Findlay; and such data may be submitted at any time.

(3) Annexation and/or detachment. The Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Findlay are modified by annexation; or when the City of Findlay has assumed authority over an area; or when the City no longer has authority to adopt and to enforce floodplain management regulations for a particular area. In order that the City of Findlay's Flood Insurance Rate Map accurately represent the City's boundaries, the City shall include with such notification to FEMA a copy of the map, suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Findlay has assumed or relinquished floodplain management regulatory authority. The City shall include a copy of the enabling ordinance that approved the annexation or detachment. Before a parcel of real property is annexed to the City of Findlay, any pre-existing floodplain violation that would constitute a violation of the City of Findlay Flood Damage Prevention Ordinance shall be resolved to comply with the Ordinance.

L. Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

(1) In areas that FEMA has not designated special flood hazard areas; or in areas where FEMA has designated special flood hazards, and where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably rely on other flood hazard data available from a federal, state, or other reliable source, constituting the best available information.

(2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflects a reduced floodway width and/or lower base flood elevations. Other sources of reliable data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably relied upon by the Floodplain Administrator as best available information.

(3) When Preliminary Flood Insurance Rate Maps or Flood Insurance Study have been provided by FEMA:

(a) Before FEMA issues a Letter of Final Determination, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist, or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data that FEMA has provided. Such preliminary data could be subject to change and/or appeal to FEMA.

(b) When FEMA issues a Letter of Final Determination, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA, for the purposes of administering these regulations.

(4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation, pursuant to Section 1351.05.

(5) Where a map boundary showing an area of special flood hazard and field elevations are contradictory, the base flood elevations or flood protection elevations, as found on an elevation profile, floodway data table, established high water marks, and the like, shall prevail.

M. Substantial Damage Determinations.

(1) Damage to structures could result from a variety of causes, including flood, tornado, wind, heavy snow, fire, and the like. When such an event results in structure damage, all of the following activities apply:

(a) Determine whether damaged structures are located in special flood hazard areas.

(b) Conduct substantial damage determinations for damaged structures located in special flood hazard areas.

(c) Make reasonable attempts to notify owners of substantially damaged structures of the need to obtain a floodplain development permit before any repair, rehabilitation, or reconstruction takes place.

(d) Reliable data collected from insurance adjusters and other persons with expertise (contractor's estimates) to render such determinations may be used to make official substantial damage determinations and may be considered as best available information..

(2) The Floodplain Administrator could also implement other measures to assist in substantial damage determination and subsequent repairs. These measures could include issuing information to the news media, public service announcements, and other public information materials related to floodplain development permits and repairs to damaged structures; coordinating with other federal, state, and local units of government and governmental agencies; providing owners of damaged structures with information related to repair of such structures in special flood hazard areas; and assisting owners of substantially damaged structures with Increased Cost of Compliance insurance claims.
(Ord. 2013-024. Passed 5-21-13.)

1351.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

A. The following use and development standards apply to development wholly within, partially within, or in contact with, any special flood hazard areas, as established in Sections 1351.01 and 1351.03.

(1) Use regulations.

(a) Permitted uses.

1. All uses not otherwise prohibited in this Section and in any other applicable land use regulation or ordinance adopted by the City Council of the City of Findlay, Ohio, are permitted, provided that the regulations or provisions of such other ordinances meet the requirements of this chapter.

(b) Prohibited uses.

1. Private water supply systems in all special flood hazard areas identified by FEMA, permitted pursuant to §3701.346 of the Ohio Revised Code.

2. Infectious waste treatment facilities in all special flood hazard areas, permitted pursuant to Chapter 3734 of the Ohio Revised Code.

3. Storage or processing of hazardous, flammable, or explosive materials in the identified special flood hazard area, with the exception of fuel tanks that are properly anchored and elevated at or above the base flood elevation.
4. Storage of material or equipment that, in time of flooding could become buoyant and obstruct flow in identified floodways.
5. Critical facilities.

(2) Water and wastewater systems. All of the following standards apply to all water supplies, sanitary sewerage, and waste disposal systems not otherwise regulated pursuant to Chapter 3734 of the Ohio Revised Code.
(a) All new and replacement water supply systems shall be designed to minimize or to eliminate infiltration of floodwaters into the system.
(b) New and replacement sanitary sewerage systems shall be designed to minimize or to eliminate infiltration of floodwaters to the systems, and discharge from the systems into floodwaters.
(c) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

(3) Subdivisions and large-scale developments.
(a) All subdivision proposals shall be consistent with the need to minimize flood damage, and are subject to all applicable standards described in this chapter.
(b) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electric, and water systems located and constructed to minimize flood damage.
(c) All subdivision proposals shall include adequate drainage in order to reduce exposure to flood damage.
(d) All Streets within the proposed subdivision must be designed, constructed, and certified to have a minimum of 10 feet of pavement width (5 feet on each side of the centerline) that is equal to, or above the 100 year flood elevation.
(e) In all areas of special flood hazard, where base flood elevations are not available, the applicant shall provide a hydrologic and hydraulic [H&H] engineering analysis that generates base flood elevations for all subdivision preliminary plats and other proposed developments that contain at least 50 lots or 5 acres, whichever is less.
(f) The applicant shall comply with the requirement to submit technical data to FEMA, described at Section 1351.03 K., when a completed hydrologic and hydraulic analysis generates base flood elevations as required by Section 1351.04 A. (3) (e).
(g) The applicant shall provide base flood elevation data for subdivision proposals, including manufactured home subdivisions, and other proposed developments, in accordance with standard engineering practices, if no such elevation data are available for the proposed site.
1. When such base flood elevation data are provided, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

2. The proposal and accompanying base flood elevation data shall be consistent with the need to minimize flood damage.
3. The applicant shall ensure that public utilities and facilities, such as sewer, gas, electric, and water systems, are located and constructed to minimize flood damage and danger to the public.
4. The applicant shall ensure that the proposed subdivision development has adequate drainage to reduce exposure to flood damage.
5. The applicant shall ensure that the subdivision development is designed so as not to decrease the flood water storage capacity within the subdivision limits and the City of Findlay flood hazard area.
6. Elevations shall be provided of existing and proposed contours. Supporting calculations shall be submitted for the City Engineering Department's approval of the proposed design.
7. When the developer completes grading, he/she shall provide grading plans and other data to the City. Such data shall include any that support the completion of grading according to the approved plan; and that show that the development has not diminished the flood storage capacity.
   a. Such grading plans and other data shall be certified by a Professional Engineer licensed to practice in the State of Ohio, and approved by the City Engineering Department.
   b. No permits shall be issued for any development on a particular parcel until the Floodplain Administrator has approved the final grade of the subdivision.
8. When the City has granted final grade approval, and/or if FEMA has granted final grade approval, no development, including the placing of fill dirt, shall take place until a development permit has been approved pursuant to this Section 1351.04 A.(3).

(4) Residential structures.

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic or hydrostatic loads, including the effects of buoyancy. Where a structure and its foundation members are elevated on fill to or above the base flood elevation, the requirements for anchoring and construction materials resistant to flood damage are satisfied.

(b) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

(c) New construction and substantial improvements shall be constructed with the first floor, including the bottom of all floor joists, electrical, heating, ventilation [including ductwork], plumbing, and air conditioning equipment or other service components that are designed and/or elevated at the base flood elevation so as to prevent water from entering or accumulating within the components during flooding conditions.

(d) Vertical additions must be placed on a fully compliant structure when the addition results in a substantial improvement.

(e) The City shall prohibit the construction of any basement in a special flood hazard area or 100-year floodplain.

(f) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, and the bottom of all floor joists elevated to or above the base flood elevation and meet all requirements regarding crawl space construction as referenced in Section 1351.04 A. (6) & (7), as applicable. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, elevated at least two feet above the highest adjacent natural grade.

(g) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, posts, columns, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters, may have an enclosure below the lowest floor, provided that the enclosure meets the following standards:

1. Used only for vehicle parking, building access, or storage; and
2. Designed and certified by a registered Professional Engineer or Architect licensed to practice in the State of Ohio. Such design must show that the new construction or substantial improvement automatically equalizes hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
3. Has a minimum of two openings or engineered vents on different walls; having a total net area not less than one square inch for every square foot of enclosed area or having the ability to convey an equal amount of water; and the bottom of all such openings being no higher than one foot above exterior grade; and the vent must be completely below base flood elevation (BFE). The openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(h) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(i) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of this Section.

(5) Nonresidential structures.

(a) New construction, and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet the requirements of Section 1351.04 A. (4) (a)-(i) above. or;

(b) Together with attendant utility and sanitary facilities, shall meet all of the following standards:

1. Be dry floodproofed so that the structure is watertight, with walls substantially impermeable to the passage of water, at least one foot above the level of flood protection elevation;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a Registered Professional Engineer or Architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate (see appendix C), that the design and methods of construction comport with Section 1351.04 A.(5)(b)1 and 2, above;
4. Have an emergency response plan submitted for review;

(c) Accessory structures. Relief to the elevation or Dry Floodproofing Standards, which allows wet floodproofing, may be granted for accessory structures containing not more than 600 square feet except that, such structures must be firmly anchored to prevent flotation. Accessory structures not more than 600 square feet must meet all of the following standards:

1. They shall be constructed of flood resistant materials in the area below the Base Flood Elevation.
2. They shall not be used or intended for human habitation.
3. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
4. They shall be firmly anchored to prevent flotation.
5. Service facilities, such as electrical and heating equipment, shall be elevated or floodproofed to or above the level of the flood protection elevation.
6. They shall meet the opening requirements of Section 1351.04 A.(4)(g)3, (when applicable) or;
7. The floor must be elevated to or above the base flood elevation.

(6) All crawlspace construction.

(a) Subject to the provisions of FEMA Technical bulletin 11-01, crawlspace construction for buildings located in special flood hazard areas, the following requirements apply:

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings described at Section 1351.04 A. (4) (g) 3,. Because of hydrodynamic loads, crawl space construction is not recommended in areas with flood velocities greater than 5 feet per second, unless the design is reviewed by an Architect or Professional Engineer registered in the State of Ohio. Other types of foundations are recommended for these areas.

2. As an enclosed area below, BFE, the crawl space must have openings or engineered vents that equalize hydrostatic pressures, allowing the automatic entry and exit of floodwaters. At least one square inch of vent area must be provided for every square foot of enclosed area or the vent must be designed to convey the same or greater amount of floodwater equal to the 1 square inch of vent area for every square foot enclosed area ratio. The bottom of each flood vent opening shall be no more than one foot above either the lowest adjacent exterior grade or lowest interior grade (as applicable). Vents must be placed on at least two walls. (pursuant to FEMA Technical Bulletin 1-93, Openings in Foundation Walls).
3. Portions of a building below BFE must be constructed with materials resistant to flood damage. The required construction practice is to elevate the bottom of the joists and all insulation above BFE. Insulation is not flood resistant. When insulation becomes saturated with floodwater, the additional weight often pulls the insulation from the joists and flooring. Ductwork and other utility systems placed below insulation could also pull away from their supports. Please see FEMA Technical Bulletin 2-93, Flood Resistant Materials Requirements.
4. Any building utility systems within the crawl space must be elevated above B.F.E. or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above BFE or sealed from floodwaters. Please refer to FEMA Technical Bulletin 348, Protecting Building Utilities From Flood Damage.

(7) Additional requirements for below-grade crawlspaces.

(a) Subject to FEMA Technical Bulletin 11-01, the following requirements for construction of below-grade crawlspaces apply:

1. The interior grade of a crawlspace below BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG). See figure 3.

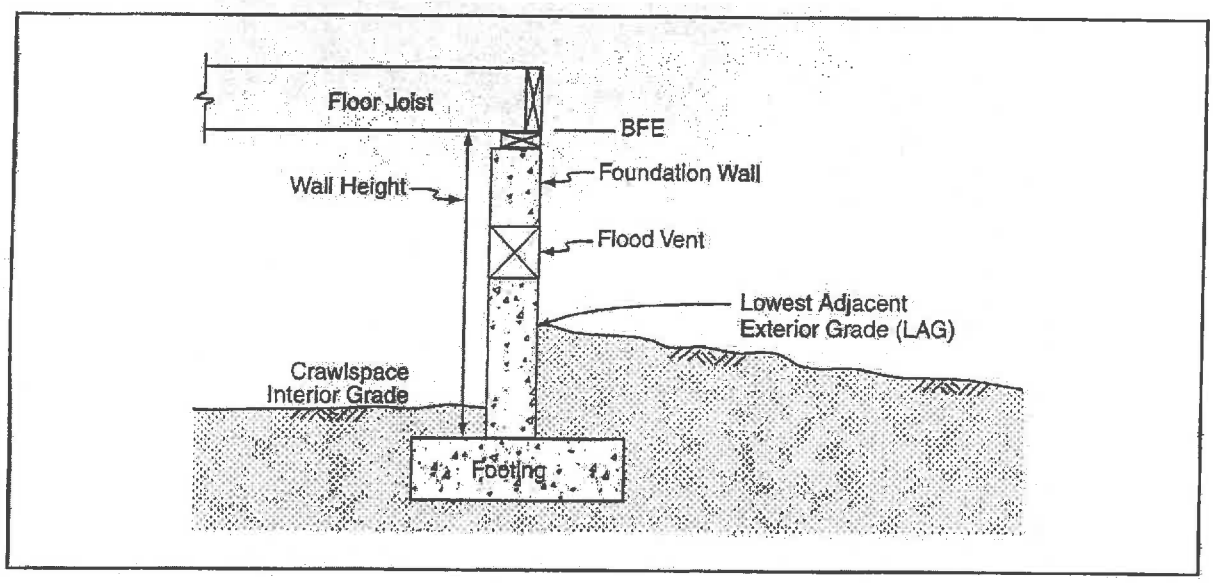

Figure 3. Below-grade crawlspace construction

2. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace floor to the bottom of the floor joists of the floor above must not exceed 4 feet at any point (shown as L in figure 4). The height limitation is the maximum allowable unsupported wall height according to the engineering analyses for flood hazard areas. This limitation also prevents crawlspaces from being converted to habitable spaces.

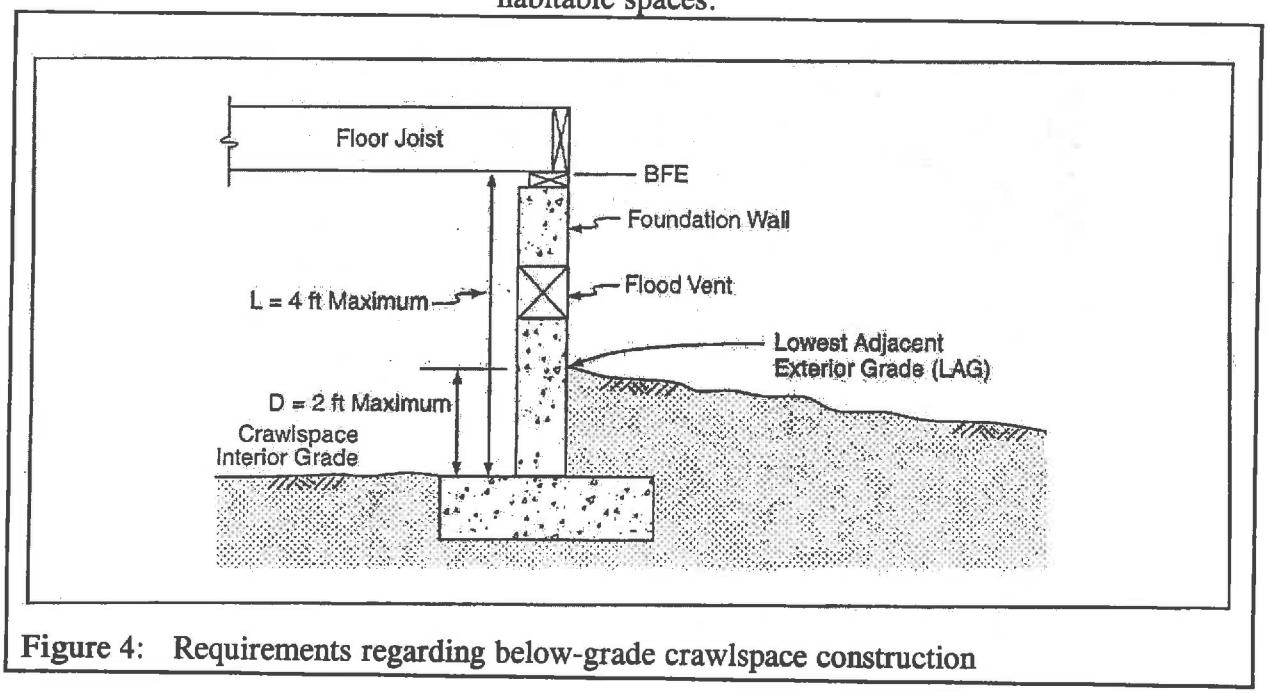

Figure 4: Requirements regarding below-grade crawlspace construction

3. There must be an adequate drainage system that removes floodwaters from the interior of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of site gradient and other drainage characteristics, such as soil type. Options to be used in order to comport with this requirement include drainage through porous, well-drained soils, and drainage systems such as perforated pipe, drainage tile, or gravel or crushed stone drainage by gravity or mechanical means.
4. The velocity of floodwaters at the site should not exceed 5 feet per second for any crawlspace. For velocities exceeding 5 feet per second, other foundation types must be used.
5. Below grade crawlspace construction pursuant to these requirements of this chapter shall not be considered to be basements.
6. Because of elevation requirements, when below-grade or at-grade crawlspace floors are greater than four feet below the bottom of floor joists above, a non-conversion agreement must be recorded on the deed as specified in FEMA document 480, section 5-36. This area is to be used solely for the parking of vehicles, building access, or limited storage and cannot be converted into habitable space.

(8) Recreational vehicles. Recreational vehicles must meet at least one of the following standards:
(a) They shall not be placed on sites in special flood hazard areas for more than 180 days; or
(b) They must be fully licensed and ready for highway use; or
(c) They must meet all standards of Section 1351.04 A. (4).

(9) Above ground gas or liquid storage tanks. All above ground gas or liquid storage tanks must be anchored on an elevated structure equal to or above the base flood elevation.

(10) Compensatory storage required for fill.
(a) Fill, within the area of special flood hazard shall result in no net loss of natural floodplain storage on any site. The volume of the loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing an equal volume of flood storage by excavation or other compensatory measures within the development site. Excavation material must be removed from the site and out of the SFHA, when applicable.
1. This provision may not apply to:
a. Driveways.
b. Sidewalks.
c. Low areas created by the removal of trees.
d. Construction materials used to install foundations for accessory buildings not exceeding 600 square feet in area below the base flood elevation.
e. Foundations for additions to dwellings.

f. Normal road maintenance such as resurfacing and repair.

(11) Storage of material or equipment.

(a) Storage of material or equipment not otherwise prohibited in Section 1351.04 A.(1) (b), shall be firmly anchored and/or securely contained to prevent flotation.

(12) Sandbagging requirements.

(a) Sandbag material is considered fill within a SFHA. During flood events, it is the public's desire to protect property, as an emergency measure, from potential flood damage. A method of achieving that is the placement of sandbags. Since this method of protection can diminish flood storage capacity and possibly force higher levels of floodwaters to neighboring properties, sandbagging shall only be permitted within three feet from any foundation wall. Sandbags may be placed within 72 hours of a possible flood event and must be removed within 14 days after the floodwaters have subsided, unless another flood event is imminent within that time period. No permit is required for this type of protective measure.

(13) Ensuring flood-carrying capacity. Pursuant to the purposes and methods of reducing flood damage, stated in this chapter, the following additional standards are hereby adopted to ensure that the reduction of the flood carrying capacity of watercourses is minimized:

(a) Development in floodways.

1. In the regulatory floodway, no development, including but not limited to fill, new construction, or substantial improvements, shall cause an increase in flood levels during the occurrence of the base flood discharge. Before the Floodplain Administrator issues a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a Registered Professional Engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation and submit a "No-Rise" certificate (see appendix B): or

a. Permits for development in floodway areas causing increases in the base flood elevation may be granted, provided that the applicant comply with all of the following:

i. Meet the requirements to submit technical data in Section 1351.03K.(1).

ii. Provide proof of an evaluation of alternatives that would not result in increased base flood elevations and reasonable grounds for believing that such alternatives are not feasible.

iii. Provide certification that no structures are located in areas that would be affected adversely by the increased base flood elevation.

iv. Provide documentation that individual property owners, inside and outside the community, who are affected adversely by the proposed result to their property, had been notified of the impact of the proposed development.

v. Obtain the concurrence of the Mayor of the City of Findlay, and the Chief Executive Officers of any communities that could be affected by the proposed development.

(b) The following activities in a mapped floodway can be considered no impact and may be permitted by a local community without an engineering analysis, provided the activities do not involve placement of fill, change of grade, or construction within the channel:

1. Installation of under-ground utility lines, septic fields, and wells not requiring above-ground service structures;
2. The construction of light poles, sign posts, playground equipment, and properly anchored open structures (without walls) such as pavilions and car ports;
3. The construction of fences which are parallel to the floodway flow direction and do not pose an obstruction to flow or debris;
4. The construction of sidewalks, driveways, patios, athletic fields, and similar surfaces which are built at or below the existing grade and do not require fences which conflict with item 3 above;
5. The construction of elevated structures on piers, where flow-through is provided for at least ninety percent of the area facing the flow, and where the underside of the lowest floor is at least one foot above base flood elevation;
6. The placement of property anchored, non-habitable, appurtenant building which is not placed in tandem to similar structure and does not exceed (1) story, one hundred (100) square feet in size, or ten (10) feet in any dimension;
7. Repair or replacement of buildings in existence prior to the effective date of the first FEMA Flood Boundary and Floodway Map (FBFM) which result in no change to the original outside dimensions and meet all other ordinance requirements;
8. The construction of additions to existing buildings which are located in the hydraulic shadow of the existing building (do not extend beyond the sides parallel to the floodway flow direction) and which do not increase the first floor area by more than twenty (20) percent of the pre-FBFM structure.

(c) Alteration of a watercourse. For the purpose of this chapter, a watercourse located in a 100-year floodplain is altered when any change occurs within its banks. The boundaries or extent of the banks shall be established by a field determination of the "bank full stage". The field determination of bank full stage shall be based on methods presented in the United States Department of Agriculture Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique, current edition; or based on other applicable publication generally considered to be authoritative, issued by a federal, Ohio, or other recognized source. For all proposed developments that alter a watercourse, the following apply:

1. The bank full flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Before the Floodplain Administrator issues a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as the result of the proposed development; and the applicant must provide certification by a Registered Professional Engineer licensed to practice in the State of Ohio that the bank full flood carrying capacity of the watercourse will not be diminished.
2. Communities adjacent to the City of Findlay, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources [ODNR], Division of Water, must be notified by the applicant/developer prior to any alteration or relocation of a watercourse. Evidence that such advance notice has been made must be provided to the Federal Emergency Management Agency. The applicant must provide the necessary maintenance for the altered or relocated portion of the watercourse, so that the flood carrying capacity is not diminished. The Floodplain Administrator could require the applicant/permit holder to enter an agreement with the City of Findlay, specifying any such maintenance responsibilities, including their duration. If the Floodplain Administrator does require such maintenance agreement, it shall be made a condition of the floodplain development permit.
3. The applicant shall meet the requirements of Section 1351.03 K. (1) (a) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

(14) Development in Riverine Areas with Base Flood Elevations but No Floodways.

(a) In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a Registered Professional Engineer, demonstrating that this standard has been met; or,

(b) Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:

1. An evaluation of alternatives which would result in a increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
2. Section 1351.04A.(13) (a) (1) a, items (i) and (iii)-(v).

(Ord. 2013-024. Passed 5-21-13.)

1351.05 APPEALS AND VARIANCES.

A. Appeals Board Established.

(1) Pursuant to Section 141.01 of the Codified Ordinances of the City of Findlay, the Mayor of the City of Findlay shall appoint, and City Council shall approve an Appeals Board, which is hereby designated to be the City Planning Commission. They Mayor shall be the Chair of the Planning Commission. The members shall serve six year terms, after which time they shall be reappointed or replaced, upon the Mayor's nomination, by act of City Council. Each member shall serve until his/her successor is appointed and sworn.

(2) Regularly scheduled meeting agenda for the City Planning Commission shall include appeals of floodplain administration action, as necessary. All meetings of the City Planning Commission are public, pursuant to Ohio R.C. 149.44, except for executive session permitted under the statute. The City Planning Commission shall keep a record of any appeals pursuant to this Section, and shall keep a record of all official actions decided upon under this Section. Records of all appeals pursuant to this Section shall be kept in the minutes of the City Planning Commission, and in the Mayor's Office, with the City Clerk as Repositor.

B. Powers and Duties.

(1) The City Planning Commission shall hear and decide appeals where it is alleged that the City Floodplain Administrator has made an error in any order, requirement, decision, or determination in the administration or enforcement of this Chapter.

(2) The City Planning Commission is hereby granted the authority to grant variances pursuant to Section 1351.05 D.

C. Appeals.

(1) Any person affected by any notice, order, or other official act of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Planning Commission, provided that the appellant file, within 15 days after the date of such notice, order, or other official act, notice of an appeal.

(2) The appeal notice shall contain a brief statement, in writing, of the grounds for the appeal, or for the mitigation of any item appearing on any order, decision, determination, or other act of the Floodplain Administrator. The appellant must sign the notice of appeal, and file it with the Floodplain Administrator.

(3) When the Floodplain Administrator receives any such notice of appeal, he/she shall forward the notice and any other pertinent information to the Planning Commission four weeks in advance of its next regularly scheduled meeting.

(4) The City Planning Commission shall place the issue of the appeal on the agenda of the next available regularly scheduled meeting.

D. Variances.

(1) Any person who has reason to believe that the use and development standards contained in this chapter would, if applied, result in undue hardship, and may file an application for a variance. The City Planning Commission shall have the power to authorize, in specific cases, such variances from the standards of this chapter, not inconsistent with federal regulations, and which will not be contrary to the public interest. Such variances will be appropriate when, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of this chapter would result in undue hardship. The Planning Commission may choose to place any condition it deems appropriate on any variance that the Commission grants.

(a) Variance application.

1. Any person who is the owner of a parcel of real property, or the authorized agent of such owner, for which a variance is sought, shall apply for the variance by filing it with the Floodplain Administrator, who shall forward it to the City Planning Commission.

2. The application shall contain, at minimum, the following: owner's name; name of authorized agent, if any; owner's address and telephone number; legal description of the parcel[s] for which variance is sought; parcel map; description of the use at the time of application; description of proposed use; location of the floodplain; description of the variance sought; the reason for the variance request.

(b) Notice of public hearing.

1. The Planning Commission shall schedule and hold a public hearing on the variance request at the Commission's next regularly scheduled meeting after the request is filed. Before the hearing takes place, a notice of the hearing shall be made in the way that all City Boards, Commissions, Committees and Council advertise their public meetings, pursuant to Ohio R.C. 149.44.

(c) Public hearing.

1. At the public hearing at which the Planning Committee considers the variance request, the applicant shall present such statements and other evidence, as the Planning Commission requires.

a. The Commission shall consider and then make findings of fact on all evidence, all relevant factors, the provisions of this chapter, and the following:

i. The danger that materials may be swept onto other lands to the injury of others.

ii. The danger to life and property due to flooding or erosion damage.

iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage to the individual owner.

iv. The importance of the services provided by the proposed facility to the community.

v. The availability of alternative locations for the proposed use that is not subject to flooding or erosion damage.

vi. The necessity to the facility of a waterfront location, where applicable.

vii. The compatibility of the proposed use with the existing and anticipated development.

viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

ix. The safety of access to the property in times of flooding for ordinary and emergency vehicles.

x. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site. The Appellant must supply this data.

xi. The costs of providing governmental services during and after flood conditions, including the maintenance and repair of utilities and faculties, such as sewer, gas electrical, water systems, streets and bridges.

b. A variance shall only be issued upon:

i. A showing of good and sufficient cause.

ii. A determination that not granting the variance would result in undue hardship because of the physical characteristics of the real property that is the subject of the variance request.

iii. A determination that granting the variance would not result in increased flood heights beyond that which are allowed in this chapter; or that the variance would not pose additional threat to public safety; or that granting the variance would not cause extraordinary public expense; or that the variance would not create a nuisance, fraud, or victimization of the public; or that that variance is not in conflict with existing City Ordinances.

iv. A determination that the structure or other development is protected by measures that minimize flood damage.

v. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

vi. Any other factors that the City Planning Commission deems appropriate.

c. After considering the factors described in this Section 1351.05 D. (1), the City Planning Commission could attach any such conditions to the granting of a variance that the Commission deems necessary to further the purposes of this chapter.

d. Any motion to approve a variance must clearly state that the cost of flood insurance will be commensurate with the increased risk resulting from the approval of the variance.

(d) Other conditions for variances.

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2. Generally, variances may be issued for new construction and substantial improvements on a lot of ½ acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items listed at Section 1351.05 D.(1)(c)1.a.i.-xi. have been fully considered. As a lot size increases beyond ½ acre, the technical justifications required for granting a variance increase.

3. Any applicant granted a variance shall be given notice of the variance in writing. The notice shall inform the applicant that the structure that is the subject of the variance may 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.

E. Hearing Procedure.

(1) In general, the hearing shall be conducted in the manner in which the City Planning Commission meetings are typically conducted.

(2) All testimony shall be given under oath.

(3) Minutes of the proceedings shall be kept; except that, the deliberations of the Planning Commission shall be confidential to the limits permitted pursuant to Ohio R.C. 149.44. The record of the proceedings shall include all documentary evidence presented at the hearing and as part of the request for the variance. Testimonial evidence shall be taken; except that, the Appellant/Applicant may choose to request a Court Reporter or other verbatim recording of the hearing at the expense of the Appellant/Applicant.

(4) The Floodplain Administrator may present evidence or testimony concerning the appeal for a variance.

(5) Witnesses who present testimony shall be subject to cross-examination by the adverse party or his/her counsel and/or members of the Planning Commission.

(6) Evidence that is not admitted may be proffered, and shall be included with the record of the hearing.

(7) The City Planning Commission shall issue subpoena upon written request by the Appellant for particular witnesses. A reasonable deposit for issuing the subpoena shall be made at the time the subpoena request is made. The Planning Commission shall, in its discretion, establish a reasonable fee for service of subpoena and mileage. All such subpoenas are to be served by the Findlay Police Department.

(8) The City Planning Commission shall prepare conclusions of fact supporting its decision. The decision could be announced either at the conclusion of the hearing and thereafter given in writing; or the Commission could choose to issue its decision within a reasonable time, not later than the next regularly scheduled meeting of the Planning Commission, unless it determines that a longer period is necessary, in the interest of justice, to obtain relevant engineering or other data on which the Commission must base its decision.

F. Appeal to Common Pleas Court.

(1) An applicant aggrieved by the City Planning Commission's decision may appeal that decision to the Hancock County Court of Common Pleas, pursuant to Chapters 2505 and 2506 of the Ohio Revised Code.
(Ord. 2013-024. Passed 5-21-13.)

1351.06 ENFORCEMENT.

A. Compliance Required.

(1) No structure or parcel of real estate shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the provisions of this chapter, and with all other applicable regulations that apply to uses within the territorial jurisdiction of the City of Findlay, unless specifically exempted from filing for a development permit, pursuant to Section 1351.03 J.

(2) Failure to obtain a floodplain development permit shall be a violation of this Chapter, and shall be punishable pursuant to Section 1351.06 C.

(3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, described in such plans and applications, and any approved amendments to them. Use, arrangement, or construction contrary to that authorized, shall be deemed to be in violation of this chapter, and punishable pursuant to Section 1351.06 C.

B. Notice of Violation.

(1) Whenever the Floodplain Administrator determines that there has been a violation of this chapter, he/she shall give notice of the specific violation to the person alleged to responsible for the violation, and shall order compliance with this chapter. The notice of violation shall:

(a) Be in writing on an appropriate form, clearly identifying the City as the complainant.
(b) Include a description of the specific violation, citing the Section[s] of this chapter that is alleged to have been violated.
(c) Order remedial action that, if taken, shall result in compliance with the provisions of this chapter.
(d) Specify a reasonable time for compliance.
(e) Advise the owner of the parcel or person alleged to have committed the acts resulting in noncompliance, of the right to appeal.
(f) Be served in person or by mail on the owner of the parcel, or on the owner's agent, or on the person alleged to have committed the violation[s] of this chapter. The notice of violation shall be deemed to have been properly served if a copy of the violation notice is sent by certified mail or other proof of mailing to the parcel owner's last know mailing address, residence, or place of business, and/or by posting a copy in a conspicuous place in or on the dwelling or parcel that is the subject of the violation[s].

C. Violations and Penalties.
(1) Whoever violates any provisions of this chapter shall be punished as provided in this Section.
(a) If the offender has not previously been convicted of or pled guilty to a violation of this chapter, the offender is guilty of a minor misdemeanor, and shall not be fined less than $100.00, nor more than $1,000.00.
(b) If the offender has previously been convicted of or pled guilty to a violation of this chapter, the offender is guilty of a misdemeanor of the 4th degree, and shall be fined not less than $200.00 nor more than $2,000.00, or imprisoned for a period of up to thirty days, or both.
(c) In addition to any and all penalties provided in this Section, the Court shall order the offender to remedy any and all violations of this chapter within 30 days after such order is issued.
(2) Each day's violation is a separate and distinct offense.
(3) Nothing in this Section shall prevent the City of Findlay, Ohio, by and through its representatives, from taking such other legal action as provided by this chapter to prevent or to remedy violations of this chapter.
(4) Falsification.
(a) No person shall knowingly make a false statement (verbal or written), or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:
1. The statement is made in any official proceeding.
2. The statement is made with purpose to incriminate another.
3. The statement is made with purpose to mislead a public official in performing the public official's official function.
4. The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.

5. The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.
6. The statement is in writing on in connection with a report or return that is required or authorized by law.
7. The statement is made with purpose to commit or facilitate the commission of a theft offense.
8. The statement is made on an account, form, record, stamp, label, or other writing that is required by law.
9. The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the Secretary of State, a county recorder, or the clerk of a court of record.

(b) It is no defense to a charge under subsection (a)(5) hereof that the oath of affirmation was administered or taken in an irregular manner

(c) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.

(d) Whoever violates a provision of subsection (a) (1) to (6) or (8) or (9) hereof is guilty of falsification, a misdemeanor of the first degree.

(e) Whoever violates subsection (a) (7) hereof is guilty of falsification in a theft offense, a misdemeanor of the first degree. If the value of the property or services stolen is five hundred dollars ($500.00) or more, falsification in a theft offense is a felony and shall be prosecuted under appropriate State Law.

(f) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death of loss to person or property incurred as a result of the commission of the offense and for reasonable attorney fees, court costs, and other expenses under this section is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section. (Ord. 2013-024. Passed 5-21-13.)

APPENDIX A

NFIP	Class	Class Description
ACCEPTABLE	5	Highly resistant to floodwater[1] damage, including damage caused by moving water.[2] These materials can survive wetting and drying and may be successfully cleaned after a flood to render them free of most harmful pollutants.[3] Materials in this class are permitted for partially enclosed or outside uses with essentially unmitigated flood exposure.
	4	Resistant to floodwater[1] damage from wetting and drying, but less durable when ex- posed to moving water.[2] These materials can survive wetting and drying and may be successfully cleaned after a flood to render them free of most harmful pollutants.[3] Materials in this class may be exposed to and/or submerged in floodwaters in interior spaces and do not require special waterproofing protection.
UNACCEPTABLE	3	Resistant to clean water[4] damage, but not floodwater damage. Materials in this class may be submerged in clean water during periods of flooding. These materials can survive wetting and drying, but may not be able to be successfully cleaned after floods to render them free of most[3] harmful pollutants.
	2	Not resistant to clean water[4] damage. Materials in this class are used in predominantly dry spaces that may be subject to occasional water vapor and/or slight seepage. These materials cannot survive the wetting and drying associated with floods.
	1	Not resistant to clean water[4] damage or moisture damage. Materials in this class are used in spaces with conditions of complete dryness. These materials cannot survive the wetting and drying associated with floods.

1. Floodwater is assumed to be considered "black" water; black water contains pollutants such as sewage, chemicals, heavy metals, or other toxic substances that are potentially hazardous to humans.

2. Moving water is defined as water moving at low velocities of 5 feet per second (fps) or less. Water moving at velocities greater than 5 fps may cause structural damage to building materials.

3. Some materials can be successfully cleaned of most of the pollutants typically found in floodwater. However, some individual pollutants such as heating oil can be extremely difficult to remove from uncoated concrete. These materials are flood damage- resistant except when exposed to individual pollutants that cannot be successfully cleaned.

4. Clean water includes potable water as well as "gray" water; gray water is wastewater collected from normal uses (laundry, bathing, food preparation, etc.).

Types of Building Materials	Uses of Building Materials		Classes of Building Materials				
			Acceptable		Unacceptable		
	Floors	Walls/ Ceilings	5	4	3	2	1
Structural Materials (floor slabs, beams, subfloors, framing and interior/exterior sheathing)							
Asbestos-cement board		■	■				
Brick							
Face or glazed		■	■				
Common (clay)		■		■			
Cast stone (in waterproof mortar)		■	■				
Cement board/fiber-cement board		■	■				
Cement/latex, formed-in-place	■			■			
Clay tile, structural glazed		■	■				
Concrete, precast or cast-in-place	■	■	■				
Concrete block[1]		■	■				
Gypsum products							
Paper-faced gypsum board		■			■		
Non-paper-faced gypsum board		■		■			
Greenboard		■				■	
Keene's cement or plaster		■			■		
Plaster, otherwise, including acoustical		■				■	
Sheathing panels, exterior grade		■			■		
Water-resistant, fiber-reinforced gypsum exterior sheathing		■		■			
Hardboard (high-density fiberboard)							
Tempered, enamel or plastic coated		■				■	
All other types		■					■

Types of Building Materials	Uses of Building Materials		Classes of Building Materials				
			Acceptable		Unacceptable		
	Floors	Walls/ Ceilings	5	4	3	2	1
Structural Materials (floor slabs, beams, subfloors, framing and interior/exterior sheathing)							
Mineral fiberboard		■					■
Oriented-strand board (OSB)							
Exterior grade	■	■				■	
Edge swell-resistant OSB	■	■				■	
All other types	■	■					■
Particle board	■						■
Plywood							
Marine grade	■	■	■				
Preservative-treated, alkaline copper quaternary (ACQ) or copper azole (C-A)	■	■		■			
Preservative-treated, Borate [2]	■	■	■				
Exterior grade/Exposure 1 (WBP - weather and boil proof)	■	■		■			
All other types	■	■					■
Recycled plastic lumber (RPL)							
Commingled with 80-90% polyethylene (PE)	■		■				
Fiber-reinforced, with glass fiber strands	■		■				
High-density polyethylene (HDPE) up to 95%	■		■				
Wood-filled with 50% sawdust or wood fiber	■				■		

Types of Building Materials	Uses of Building Materials		Classes of Building Materials				
			Acceptable		Unacceptable		
	Floors	Walls/ Ceilings	5	4	3	2	1
Structural Materials (floor slabs, beams, subfloors, framing and interior/exterior sheathing)							
Stone							
Natural or artificial non-absorbent solid or veneer, waterproof grout	■	■	■				
All other applications		■				■	
Structural Building Components							
Floor trusses, wood, solid (2 x 4s) decay-resistant or preservative-treated	■	■		■			
Floor trusses, steel [3]	■		■				
Headers and beams, solid (2 x 4s) or plywood, exterior grade or preservative-treated		■		■			
Headers and beams, OSB, exterior grade or edge-swell resistant		■				■	
Headers and beams, steel [3]		■	■				
I-joists	■					■	
Wall panels, plywood, exterior grade or preservative-treated		■		■			
Wall panels, OSB, exterior grade or edge-swell resistant		■				■	
Wall panels, steel [3]		■		■			

Types of Building Materials	Uses of Building Materials		Classes of Building Materials				
			Acceptable		Unacceptable		
	Floors	Walls/ Ceilings	5	4	3	2	1
Structural Materials (floor slabs, beams, subfloors, framing and interior/exterior sheathing)							
Wood							
Solid, standard, structural (2 x 4s)		■		■			
Solid, standard, finish/trim		■			■		
Solid, decay-resistant[4]	■	■	■				
Solid, preservative-treated, ACQ or C-A		■		■			
Solid, preservative-treated, Borate[2]		■		■			
Finish materials (floor coverings, wall and ceiling finishes, insulation, cabinets, doors, partitions and windows)							
Asphalt Tile [5]							
With asphaltic adhesives	■				■		
All other types	■						■
Cabinets, built-in							
Wood		■				■	
Particle board		■					■
Metal [3]		■		■			
Carpeting	■						■
Ceramic and porcelain tile							
With mortar set	■	■		■			
With organic adhesives	■	■				■	
Concrete tile, with mortar set	■		■				
Corkboard		■				■	

Types of Building Materials	Uses of Building Materials		Classes of Building Materials				
			Acceptable		Unacceptable		
	Floors	Walls/ Ceilings	5	4	3	2	1
Finish materials (floor coverings, wall and ceiling finishes, insulation, cabinets, doors, partitions and windows)							
Doors							
Wood, hollow		■				■	
Wood, lightweight panel construction		■				■	
Wood, solid		■				■	
Metal, hollow [3]		■		■			
Metal, wood core [3]		■		■			
Metal, foam-filled core [3]		■		■			
Fiberglass, wood core		■		■			
Epoxy, formed-in-place	■		■				
Glass (sheets, colored tiles, panels)		■		■			
Glass blocks		■	■				
Insulation							
Sprayed polyurethane foam (SPUF) or closed-cell plastic foams	■	■	■				
Inorganic - fiberglass, mineral wool batts, blankets or blown	■	■			■		
All other types (cellulose, cotton, open-, cell plastic foams, etc.)	■	■				■	
Linoleum	■						■
Magnesite (magnesium oxychloride)	■						■
Mastic felt-base floor covering	■						■
Mastic flooring, formed-in-place	■		■				

Types of Building Materials	Uses of Building Materials		Classes of Building Materials				
			Acceptable		Unacceptable		
	Floors	Walls/ Ceilings	5	4	3	2	1
Finish materials (floor coverings, wall and ceiling finishes, insulation, cabinets, doors, partitions and windows)							
Metals, non-ferrous (aluminum, copper or zinc tiles)		■			■		
Metals							
Non-ferrous (aluminum, copper, or zinc tiles)		■			■		
Metals, ferrous [3]		■		■			
Paint							
Polyester-epoxy and other oil-based waterproof types		■		■			
Latex		■		■			
Partitions, folding							
Wood		■				■	
Metal [3]		■		■			
Fabric-covered		■					■
Partitions, stationary (free-standing)							
Wood frame		■		■			
Metal [3]		■		■			
Glass, unreinforced		■		■			
Glass, reinforced		■		■			
Gypsum, solid or block		■					■
Polyurethane, formed-in-place	■		■				
Polyvinyl acetate (PVA) emulsion cement	■						■

Types of Building Materials	Uses of Building Materials		Classes of Building Materials				
			Acceptable		Unacceptable		
	Floors	Walls/ Ceilings	5	4	3	2	1
Finish materials (floor coverings, wall and ceiling finishes, insulation, cabinets, doors, partitions and windows)							
Rubber							
Moldings and trim with epoxy polyamide adhesive or latex-hydraulic cement		■		■			
All other applications		■					■
Rubber sheets or tiles [5]							
With chemical-set adhesives [6]	■		■				
All other applications	■						■
Silicone floor, formed-in-place	■		■				
Steel (panels, trim, tile)							
With waterproof adhesives [3]		■	■				
With non-waterproof adhesives		■				■	
Terrazo	■			■			
Vinyl asbestos tile (semi-flexible vinyl)[5]							
With asphaltic adhesives	■		■				
All other applications	■						■
Vinyl sheets or tiles (coated on cork or wood product backings)	■						■
Vinyl sheets or tiles (homogeneous) [5]							
With chemical-set adhesives [6]	■			■			
All other applications	■						■

Types of Building Materials	Uses of Building Materials		Classes of Building Materials				
			Acceptable		Unacceptable		
	Floors	Walls/ Ceilings	5	4	3	2	1
Finish materials (floor coverings, wall and ceiling finishes, insulation, cabinets, doors, partitions and windows)							
Wall coverings							
Paper, burlap, cloth types		■					■
Vinyl, plastic, wall paper		■					■
Wood floor coverings							
Wood (solid)	■						■
Engineered wood flooring	■					■	
Plastic laminate flooring	■					■	
Wood composition blocks, laid in cement mortar	■					■	
Wood composition blocks, dipped and laid in hot pitch or bitumen	■					■	

Notes*:

1 Unfilled concrete block cells can create a reservoir that can hold water following a flood, which can make the blocks difficult or impossible to clean if the floodwaters are contaminated.

2 Borate preservative-treated wood meets the NFIP requirements for flood damage-resistance; however, the borate can leach out of the wood if the material is continuously exposed to standing or moving water.

3 Not recommended in areas subject to salt-water flooding.

4 Examples of decay-resistant lumber include heart wood of redwood, cedar, and black locust. Refer to Section 2302 of the International Building Code® (IBC®) and Section R202 of the International Residential Code® (IRC®) for guidance.

5 Using normally specified suspended flooring (i.e., above-grade) adhesives, including sulfite liquor (lignin or "linoleum paste"), rubber/asphaltic dispersions, or "alcohol" type resinous adhesives (culmar, oleoresin).

6 Examples include epoxy-polyamide adhesives or latex-hydraulic cement.

* In addition to the requirements of TB 2 for flood damage resistance, building materials must also comply with any additional requirements of applicable building codes. For example, for wood products such as solid 2x4s and plywood, applicable building code requirements typically include protection against decay and termites and will specify use of preservative-treated or decay- resistant wood for certain applications. Applications that require preservative-treated or decay-resistant species include wood in contact with the ground, wood exposed to weather, wood on exterior foundation walls, or wood members close to the exposed ground. In some cases, applicable building code requirements (such as those in ASCE 24-05 and IRC 2006) do not reflect updated guidance in TB 2 and specify that all wood used below the design flood elevation be preservative-treated or naturally decay-resistant regardless of proximity to ground or exposure to weather. (Revision made in October 2010)

APPENDIX B

ENGINEERING "NO-RISE" CERTIFICATION

This is to certify that I am a duly qualified engineer licensed to practice in the State of Ohio.

It is to further certify that the attached technical data supports the fact that proposed development: _____ in the floodway will not increase the
(Name of Development)
Base Flood Elevations (100-year flood), floodway elevations and the floodway widths on _____ at published sections in the Flood Insurance
(Name of Stream)
Study for _____, dated _____ and will not increase
(Name of Community)
the Base Flood Elevations (100-year flood) , floodway elevations, and floodway widths at unpublished cross-sections in the vicinity of the proposed development.

Date _____

Signature _____

Phone Number _____ EMAIL _____

Representing _____

Address _____

City _____ State _____ Zip Code _____

CERTIFYING SEAL OR STAMP

GUIDANCE FOR "NO-RISE" CERTIFICATION FOR PROPOSED DEVELOPMENTS IN REGULATORY FLOODWAYS

Note: This guidance was adapted from that issued by FEMA Region IV in 2004.

Section 60.3 (d) (3) of the National Flood Insurance Program (NFIP) regulations states that a community shall "prohibit encroachments; including fill, new construction, substantial improvements, and other developments within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base (100-year) flood discharge." All communities in Ohio that participate in the NFIP have this provision contained in their Flood Damage Reduction Regulations.

Prior to issuing any building grading or development permits involving activities in a regulatory floodway, the community must obtain a certification stating the proposed development in the floodway will not impact the pre-project base flood elevations , floodway elevations, or floodway widths. The certification should be obtained from the permittee and signed and sealed by a registered Professional Engineer.

The engineering or "no-rise" certification must be supported by technical data. The supporting technical data should typically be based upon the standard step-backwater computer model utilized to develop the 100-year floodway shown on the community's effective Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM) and the results tabulated in the community's Flood Insurance Study (FIS).

Although communities are required to review and approve the "no-rise" submittals, they may request technical assistance and review from the ODNR, Division of Water.

The engineering "no-rise" certification and supporting technical data must stipulate NO IMPACT on the 100-year flood elevation, floodway elevations, or floodway widths at the new cross-sections and at all existing cross-sections anywhere in the model. Therefore, the revised computer model should be run for a sufficient distance (usually 1-mile, depending on hydraulic slope of the stream) upstream and downstream of the development site to ensure proper "no-rise" certification .

Attached is a sample "no-rise" certification form that can be completed by a registered Professional Engineer and supplied to the community along with the supporting technical data when applying for a floodplain development permit.

U.S DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
National Flood Insurance Program

APPENDIX C
FLOODPROOFING CERTIFICATE
FOR NON-RESIDENTIAL STRUCTURES

O.M.B. NO. 1660-0008
Expires March 31, 2012

The floodproofing of non-residential buildings may be permitted as an alternative to elevating to or above the Base Flood Elevation; however, a floodproofing design certification is required. This form is to be used for that certification. Floodproofing of a residential building does not alter a community's floodplain management elevation requirements or affect the insurance rating unless the community has been issued an exception by FEMA to allow floodproofed residential basements. The permitting of a floodproofed residential basement requires a separate certification specifying that the design complies with the local floodplain management ordinance.

BUILDING OWNER'S NAME

STREET ADDRESS (Including Apt., Unit, Suite, and/or Bldg. Number) OR P.O. ROUTE AND BOX NUMBER

OTHER DESCRIPTION (Lot and Block Numbers, etc.)

CITY

STATE ZIP CODE

SECTION I-FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

Provide the following from the proper FIRM:

COUNTRY NUMBER	PANEL NUMBER	SUFFIX	DATE OF FIRM INDEX	FIRM ZONE	BASE FLOOD ELEVATION (In AO Zones, Use Depth)

SECTION II-FLOODPROOFING INFORMATION (By a Registered Professional Engineer or Architect)

Floodproofing Design Elevation Information:

Building is floodproofed to an elevation of ..... feet NGVD. (Elevation datum used must be the same as that on the FIRM.)

Height of floodproofing on the building above the lowest adjacent grade is ..... feet.

(NOTE: For insurance rating purposes the building's floodproofed design elevation must be at least one foot above the Base Flood Elevation to receive rating credit. If the building is floodproofed only to the Base Flood Elevation, then the building's insurance rating will result in a higher premium.)

SECTION III-CERTIFICATION (By a Registered Professional Engineer or Architect)

Non-Residential Floodproofed Construction Certification:

I certify that, based upon development and/or review of structural design, specifications, and plans for construction, the design and methods of construction are in accordance with accepted standards of practice for meeting the following provisions:

The structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation indicated above., with walls that are substantially impermeable to the passage of water.

All structure components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

I certify that the information on this certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

CERTIFIER'S NAME LICENSE NUMBER (practice)

TITLE COMPANY NAME

ADDRESS CITY STATE ZIP CODE

SIGNATURE DATE PHONE

Copies should be made of this Certificate for: 1) community official, 2) insurance agency/company, and 3) building owner.

FEMA Form 81-65, Mar 09 REPLACES ALL PREVIOUS EDITIONS F-0.56 (3/09)

FLOOD INSURANCE
FLOODPROOFING CERTIFICATE
FEMA FORM 81-65

GENERAL-This information is provided pursuant to Public Law 96-511(the Paperwork Reduction Act of 1980, as amended), dated December 11, 1980, to allow the public to participate more fully and meaningfully in the Federal paperwork review process.

AUTHORITY-Public Law 96-511, amended; 44 U.S.C. 3507; and 5 CFR 1320

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NOTE: Do not send your completed form to this address.