

TITLE 4000

**CODIFIED ORDINANCES OF THE
VILLAGE OF FORT SHAWNEE, OHIO**

FLOOD DAMAGE PREVENTION REGULATIONS

Enacted August _____, 2001

4001.4 METHODS OF REDUCING FLOOD LOSSES: In order to accomplish its purposes, this Title included methods and provisions for:

1. Restricting or prohibited uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration 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 may increase flood damage, and,
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood water or which may increase flood hazards in other areas.

4002.01 DEFINITIONS

Unless specifically defined below, 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 these regulations the most reasonable application.

- (a) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (b) "Alteration of watercourse" means any action that serves to increase or decrease the carrying capacity of a watercourse.
- (c) "Appeal" means a request for a review of the Zoning Inspector's interpretation of any provision of this chapter or a request for a variance.
- (d) "Area of special flood hazard" means the land in the flood plain within a community, subject to a one percent or greater chance of flooding in any given year. Areas of special flood hazard are designated by FEMA as Zone A,AE, AH, AO, A1-30 and A99.
- (e) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 100-year flood.
- (e)(1) "Basement means any area of the building having is floor subgrade (below ground

(m) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable design requirements specified in this title for enclosures below the lowest floor.

(n) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

(o) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. This definition shall exclude any manufactured home park, as defined in Ohio R.C. 3733.01, over which the Public Health Council has exclusive rule making power.

(p) "New construction" means structures for which the "start of construction" commenced on or after the initial effective date of the Village of Fort Shawnee Flood Insurance Rate Map (August 15, 1984), and includes any subsequent improvements to such structures.

(p)(1) "Recreational vehicle" means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

(q) "Start of construction" means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkway; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

Flood Insurance Study and accompanying Maps are available in the office of the Clerk.

4003.03 COMPLIANCE.

Unless specifically exempted from filing for a development permit/zoning certificate, no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this title and all other applicable regulations which apply to land within the jurisdiction of the Village of Fort Shawnee, Ohio.

4003.04 ABROGATION AND GREATER RESTRICTIONS.

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

4003.05 INTERPRETATION

In the interpretation and application of this title, all provisions shall be considered as minimum requirements, liberally construed in favor of the Village of Fort Shawnee, Ohio and deemed neither to limit nor repeal any other powers granted under state law. Where a provision of this title conflicts with state law, state law shall take precedence.

4003.06 WARNING AND DISCLAIMER OF LIABILITY.

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

4003.07 VIOLATIONS AND PENALTIES

Violation of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor of the fourth degree. Any person who violates this title or fails to comply with any of its requirements including violations of conditions and safeguards established in connection with conditions shall upon conviction thereof be fined or imprisoned by the laws of the Village of Fort Shawnee, Ohio. Each day such violation continues shall be considered a

An application for a development permit/zoning certificate shall not be required for maintenance work such as roofing, painting and basement sealing, or for small development activities, but not including any filling or grading, valued at less than one thousand dollars (\$1,000)..

4004.03 DESIGNATION OF THE FLOOD DAMAGE PREVENTION ADMINISTRATOR.

The Zoning Inspector, in addition to his/her other duties, is hereby appointed to administer and implement the provisions of the flood damage prevention regulations.

4004.04 DUTIES OF THE ZONING INSPECTOR.

The duties and responsibilities of the Zoning Inspector in administering this title shall include, but are not limited to, the following:

(a) Permit Review. The Zoning Inspector shall review all applications for development permits/zoning certificates to:

(1) Determine that the permit requirements have been satisfied:

(2) Assure that all necessary permits have been received from those Federal, State and local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required.

(3) Determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within the designated floodway, the Zoning Inspector shall assure that the encroachment provision of Section 4005.05 is met.

(4) Inspect all development projects before, during, and after construction to ensure proper elevation of the structure and to ensure compliance with all provisions of this title.

4004.05 USE OF OTHER BASE FLOOD ELEVATION AND FLOODWAY DATA

For areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 4003.02, the Zoning Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer this title.

4004.08 ALTERATION OF BOUNDARIES

The Village of Fort Shawnee, Ohio shall notify the Ohio Department of Natural Resources, Division of Water and FEMA of any changes or alterations in the boundaries of the Village of Fort Shawnee, Ohio or change in jurisdiction for which the Village has assumed or lost regulatory authority.

4005.01 GENERAL STANDARDS FOR FLOOD HAZARD PROTECTION.

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

(a) *Anchoring.*

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) All manufactured homes, not otherwise regulated by the Ohio Revised Code, pertaining to manufactured home parks, shall be 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 to be limited to, use of over-the-top or frame ties to ground anchors.

(b) *Construction Material and Methods.*

(1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) *Utilities.*

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and to prevent contamination of the drinking water supply.

(b) *Non-Residential Construction*

(1) New construction and substantial improvement of any non residential structure shall have the lowest floor including the basement, elevated to or above the base flood elevation.

(2) As an alternative to the requirements of paragraph (1) above, new construction and substantial improvement of any non residential structure shall be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the base flood elevation. In order to be legible for lower flood insurance rates, the structure should be floodproofed to at least one foot above the base flood elevation. The structural components shall be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. The structure shall be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with acceptable standards and shall effectively comply with this section. Certification shall be provided to the Zoning Inspector before the start of construction.

(c) *Manufactured Homes and Recreational Vehicle*

The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Ohio R.C. 3733.01 et seq.

A. Manufactured homes shall be anchored in accordance with this title.

B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.

C. These standards shall also apply to all recreational vehicles that are located on any site for 180 days or more or are not fully licenced and ready for highway use.

4005.04 ENCLOSURES BELOW LOWEST FLOOR

The following provisions apply to all new and substantially improved residential and nonresidential structures which are elevated to or above base flood elevations using pilings, columns, or posts or which contain a crawl space. These structures may enclose the area below the lowest floor provided the following conditions are met:

(a) Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by

(c) Any encroachment within a floodway that would result in an increase in base flood elevations can only be granted upon the prior approval of FEMA. Such requests must be submitted to FEMA by the Zoning Inspector and must meet the requirements of the National Flood Insurance Program.

4005.06 AREAS WITHOUT FLOODWAYS

In all areas of special flood hazard where the Flood Insurance Study provides base flood elevation data but no floodway has been designated, the following apply:

(a) New construction, substantial improvements or other development, including fill shall only be permitted if it is demonstrated that the cumulative effect of any proposed development combined with all other existing and anticipated development shall not increase the water surface elevation of the base flood more than one foot at any point.

(b) If (a) above is satisfied, all new construction, substantial improvements or other development, including fill shall comply with the provisions of this title.

4006.01 VARIANCE PROCEDURE.

(a) *Appeal Board.*

(1) The Board of Zoning Appeals (hereinafter Board), as established by the Charter of the Village of Fort Shawnee, Ohio shall hear and decide appeals and requests for variances from the requirements of this Title.

(2) The Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Zoning Inspector in the enforcement or administration of this title

(3) Upon consideration of the purposes of this title, the Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this title.

(4) The Zoning Inspector shall maintain the records of all appeal actions and report any variances granted by the Board to the Federal Emergency Management Agency upon request.

(5) Those aggrieved by the decision of the Board may appeal such decision to the Allen County Court of Common Pleas as provided in Chapter 2506 of the Ohio Revised Code.

(b) *Conditions for Variances.*

- (4) The importance of the services provided by the proposed facility to the community;
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- (6) The necessity to the facility of a waterfront location where applicable;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the Village's Comprehensive Plan and flood plain management program for that area
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water and the effects of wave action, if applicable, expected at the site; and,
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, and streets and bridges.

4007.01 REPEAL

This title replaces and repeals Ordinance 1-96 of the Ordinances of the Village of Fort Shawnee, Ohio.