
CHAPTER 1191 FLOOD PLAIN ZONING

1191.01 PURPOSE

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize losses resulting from inundation of floodwaters in the City by provisions designed to:

- (a) Restrict or prohibit property uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- (b) Require that property uses vulnerable to floods, including facilities which serve such uses, be protected from flood damage at the time of initial construction.
- (c) Control filling, grading, dredging, and other development which may increase flood damage.
- (d) Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.
- (e) Provide compliance with federal laws to insure eligibility for the National Flood Insurance Program. (Ord. 87—14. Passed 6—1—87.)

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 this chapter its most reasonable application. Further, these definitions shall be used only for the purpose of interpretation and enforcement of this chapter and not for interpretation or enforcement of any other Codified Ordinances.

Accessory use or structure means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Appeal means a request for a review of the Zoning Administrator's interpretation of any provision of this chapter or a request for a variance.

Area of special flood hazard means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

Base flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one hundred year flood.

Development means 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 or drilling operations located within the area of special flood hazard.

Federal Emergency Management Agency (FEMA) means the agency with the overall responsibility

for administering the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means an official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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.

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. "Manufactured home" includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

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. "Manufactured home park or subdivision" 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.

New construction means structures for which the "start of construction" commenced on or after the effective date of this chapter.

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for 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.

Structure means a walled and roofed building, mobile home or gas or liquid storage tank that is

principally above ground.

Substantial improvement means:

1. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored before the damage occurred.
2. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. "Substantial improvement" does not, however, include either:
 - a. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance means a grant of relief to a person from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (Ord. 87—14. Passed 6—1—87.)

1191.02 GENERAL PROVISIONS

- (a) Applicable Lands. This chapter shall apply to all lands within the jurisdiction of the City and shown on the official Flood Boundary and Floodway Zoning Map within the boundaries of the Special Flood Hazard District. The areas of special flood hazard are based on a scientific and professional engineering report prepared by the Federal Emergency Management Agency titled "The Flood Insurance Study for the City of Tiffin, Ohio." This report, along with all Flood Insurance Rate Maps and Flood Boundary and Floodway Maps dated July 3, 1986, and any revisions thereto is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the City Engineer's office, Tiffin, Ohio.
- (b) Rules for Interpretation of District Boundaries. In the interpretation and application of this chapter, all provisions shall be:
 - (1) Considered as minimum requirements.
 - (2) Liberally construed in favor of the governing body.
 - (3) Deemed neither to limit nor appeal any other powers granted under State statutes.
- (c) Flood Hazard District Boundaries. The Flood Boundary and Floodway Map dated July 3, 1986, and as thereafter amended shall be the official Flood Plain Zoning Map and shall show all flood hazard districts and floodway districts. The floodway districts shall be subject to all requirements of the flood hazard districts as well as to all requirements of the floodway districts. This chapter and its map shall be in addition

to the previously existing comprehensive Zoning Code and its map, and all property within the City shall be subject to the provisions of both.

- (d) District Boundary Changes. The delineation of the Flood Hazard District may be revised by the City where natural or man—made changes have occurred and/or more detailed studies conducted or undertaken by a federal, State, local or other qualified agency or where individual documents support such changes. However, prior to any such change, approval shall be obtained from the Federal Emergency Management Agency.
- (e) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man—made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the Special Flood Hazard District boundaries or land uses permitted within such District will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
- (f) Compliance. Unless specifically exempted as stated in Section 1191.04(b), no structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.
- (g) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 87—14. Passed 6—1—87.)

1191.03 ADMINISTRATION

- (a) Establishment of Development Permit. A development permit shall be obtained before construction or development begins in a Special Flood Hazard District established in Section 1191.03(a). This permit shall be in addition to the zoning certificate required of the base district. Application for a development permit shall be made on forms furnished by the Zoning Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:
 - (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures;
 - (2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed;

- (3) Certification by a registered professional engineer that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Sections 1191.07(b)(2) or 1191.08(b).
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (b) Exemption From Filing a Development Permit. An application for a development permit shall not be required for maintenance work such as roofing, painting and basement sealing, or for small development activities (except for grading and filling) valued at less than one thousand dollars (\$1,000). (Ord. 87—14. Passed 6—1—87.)

1191.04 DESIGNATION OF ZONING ADMINISTRATOR; DUTIES

- (a) The City Engineer is hereby designated to be the Zoning Administrator, who will administer and implement the provisions of this chapter.
- (b) Duties of the Zoning Administrator shall include, but are not limited to:
 - (1) Permit review.
 - (A) Review all development permits to assure that the permit requirements of this chapter have been satisfied.
 - (B) Review all development permits to assure that all necessary permits have been received from those federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required and the Zoning Administrator shall not be held liable for a failure of the applicant to secure such other permits, whether they be required either before or after issuance of a flood plain development permit.
 - (C) Review all development permits to determine if the proposed development is located within the floodway (FW) component of the Flood Hazard District as determined 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 a designated floodway, assure that the encroachment provision of Section 1191.08(a) is met.
 - (2) Use of other base flood elevation and floodway data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1191.03(a), are designated as Zone A on the community's Flood Insurance Rate Map. Within these areas, the Zoning Administrator 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 Section

1191.07(b)(1) and (b)(2), and Section 1191.08.

- (3) Information to be obtained and maintained. Where base flood elevation data are utilized within areas of special flood hazard designated on the Official Zoning Map as a Flood Hazard District, regardless of the source of such data, the following provisions apply:
 - (A) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not such structures contain a basement.
 - (B) For all new or substantially improved floodproofed structures:
 - (1) Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed, and
 - (2) Maintain the floodproofing certifications required in Section 1191.04(a)(3).
 - (C) Maintain for public inspection all records pertaining to the provisions of this chapter.
- (4) Alteration of watercourse.
 - (A) Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (B) Require that necessary maintenance will be provided for by the applicant for the altered or relocated portion of such watercourse so that the flood-carrying capacity will not be diminished.
- (5) Interpretation of flood boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between the Flood Hazard District boundary and actual field conditions). Where a District boundary and elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1191.06. (Ord. 87—14. Passed 6—1—87.)

1191.05 VARIANCE PROCEDURE

- (a) The Zoning Board of Appeals as established by the City shall hear and decide appeals and requests for variances from the requirements of this chapter.

- (b) The Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Administrator in the enforcement or administration of this chapter.
- (c) Those aggrieved by the decision of the Board or any taxpayer, may appeal such decision to the Seneca County Court of Common Pleas, as provided in Ohio R.C. Chapter 2506.
- (d) In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (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 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 floodwaters 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.
- (e) Upon consideration of the factors of Subsection (d) hereof and the purposes of this chapter, the Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

- (f) The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (g) Conditions for Variances.
 - (1) Variances may be granted only if the applicant can make a substantial showing that there are unique circumstances applicable to the lot which do not generally apply to other lots in the flood hazard zone and which will sustain justification for a variance. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsection (d) hereof has been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
 - (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (5) Variances shall only be issued upon:
 - (A) A showing of good and sufficient cause;
 - (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (C) A determination that the granting of a variance will not result in increased flood heights beyond that allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (d) hereof or conflict with existing local laws or ordinances.
 - (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 87—14. Passed 6—1—87.)

1191.06 PROVISIONS FOR FLOOD HAZARD REDUCTION

- (a) General Standards. In all areas of special flood hazard designated on the Official Zoning Map as a Flood Hazard District, the following standards are required:
- (1) Anchoring.
 - (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (B) 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.
 - (2) Construction materials and methods.
 - (A) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
 - (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (3) Utilities.
 - (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
 - (B) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and,
 - (C) Individual wastewater treatment systems shall be located to avoid impairment to them or contamination from them during flooding.
 - (4) Subdivision Proposals.
 - (A) All subdivision proposals, including manufactured home

subdivisions, shall be consistent with the need to minimize flood damage;

- (B) All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - (C) All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and
 - (D) Base flood elevation data shall be provided for subdivision proposals, including manufactured home subdivisions, and other proposed developments which contain at least six lots.
- (b) Specific Standards. In all areas of special flood hazards designated on the official Flood Plain Zoning Map as a Flood Hazard District where base flood elevation data have been provided as set forth in Sections 1191.03(a) and 1191.05(b)(2), the following provisions are required:
- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the base flood elevation. If fill is used to elevate a structure, it shall extend laterally fifteen feet beyond the limits of any structure.
 - (2) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - (A) Be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to an elevation above the base flood elevation;
 - (B) Have structural components capable of resisting hydrostatic and hydrodynamic loads, flotation, collapse or lateral movement; and,
 - (C) Be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1191.04(a)(3).
 - (3) Accessory structures. An exemption to the elevation or dry floodproofing standards may be granted for accessory structures (for example, sheds, detached garages) containing less than 576 square feet in gross floor area. Such structures shall meet the floodway encroachment provisions of Section

1191.08(a) and the following additional standards:

- (A) They shall not be used for human habitation;
 - (B) They shall be designed to have low flood damage potential;
 - (C) They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (D) They shall be firmly anchored and constructed to prevent flotation, collapse or lateral movement and,
 - (E) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.
- (4) Manufactured homes. 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.
- (A) Manufactured homes shall be anchored in accordance with subsection (a)(l)B. hereof.
 - (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.
- (5) Enclosures below base flood elevation. Any structure required to be elevated above the base flood level shall have no enclosures below the base flood level except as provided for nonresidential structures in subsection (b)(2) hereof. (Ord. 87—14. Passed 6—1—87.)

1191.07 FLOODWAYS

The Flood Insurance Study referenced in Section 1191.03(a) identifies a segment within the Flood Hazard District known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 1191.05(b)(2). The floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential. The following provisions apply within all delineated floodway areas:

- (a) Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Such technical evaluation shall be conducted by a registered professional engineer, who shall submit his evaluation data and certify his findings to the Zoning Administrator for review and approval.
- (b) If subsection (a) above is satisfied, all new construction and substantial

improvements shall comply with all applicable flood hazard reduction provisions of Section 1191.07 and additionally, all proposed structures within a floodway shall be designed and certified by a registered professional engineer to withstand potential erosion around substructures, impact by ice or debris, and all hydraulic forces which could be expected to occur during a flood of base elevation. (Ord. 87—14. Passed 6—1—87.)

1191.08 PENALTY

Any person, firm, or corporation which violates any provision of this chapter shall be guilty of a misdemeanor of the fourth degree. Each day s continuation of a violation shall be deemed a separate offense. (Ord. 87-14. Passed 6-1-87.)