

ORDINANCE C-3-94

AN ORDINANCE TO AMEND CHAPTER 1329 OF THE BUILDING CODE, TITLED "FLOOD DAMAGE PREVENTION CODE"

WHEREAS, the Federal Insurance Administration through the Ohio Department of Natural Resources has requested changes to our Flood Damage Prevention Code to comply with recent Federal changes; and

WHEREAS, in order for the City of Grove City to retain eligibility for this program, it is necessary to make said changes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. Section 1329.03(c) of the Codified Ordinances of Grove City, Ohio titled "Definitions" which reads:

- (c) "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.

IS HEREBY AMENDED TO READ:

- (c) "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. *Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AD, A1-30 and A99.*

SECTION 2. Section 1329.03(e) which reads:

- (e) "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.

IS HEREBY AMENDED TO READ:

- (e) "*Basement*" means any area of the building having its floor subgrade (below ground level) on all sides.

SECTION 3. Section 1329.03(f) which reads:

- (f) "Federal Emergency management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.

IS HEREBY AMENDED TO READ:

- (f) "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.

SECTION 4. Section 1329.03(g) which reads:

- (g) "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.

IS HEREBY AMENDED TO READ:

- (g) "Federal Emergency management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.

SECTION 5. Section 1329.03(h) which reads:

- (h) "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.

IS HEREBY AMENDED TO READ:

- (h) "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.

SECTION 6. Section 1329.03(i) which reads:

- (i) "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 elevations of the base flood.

IS HEREBY AMENDED TO READ:

- (i) "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.

SECTION 7. Section 1329.03(j) which reads:

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

IS HEREBY AMENDED TO READ:

- (j) "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 elevations of the base flood.

SECTION 8. Section 1329.03(k) which reads:

- (k) "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.

IS HEREBY AMENDED TO READ:

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

SECTION 9. Section 1329.03(1) which reads:

- (1) "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. It includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

IS HEREBY AMENDED TO READ:

- (1) "Historic Structure" means any structure that is:
- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - (2) 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 to qualify as a registered historic district;
 - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) by an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

SECTION 10. Section 1329.03(m) which reads:

- (m) "Manufactured home park or subdivision" means a parcel, or contiguous parcels, of land divided into two or more manufactured home parks as defined in Ohio R.C. 3733.01, over which the Public Health Council has exclusive rule making power.

IS HEREBY AMENDED TO READ:

- (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

IS HEREBY AMENDED TO READ:

- (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 ordinance for enclosures below the lowest floor.

SECTION 11. Section 1329.03(n) which reads:

- (n) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this section.

IS HEREBY AMENDED TO READ:

- (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".

SECTION 12. Section 1329.03(o) which reads:

- (o) "Start of construction" means the first placement of permanent construction of a structure, (other than a mobile home) on a site, such as the pouring of slabs or footings, or any work beyond the state of excavation. 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 as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final grading or the pouring of concrete pads, and installation of utilities) is completed.

IS HEREBY AMENDED TO READ:

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

SECTION 13. Section 1329.03(p) which reads:

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

IS HEREBY AMENDED TO READ:

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

SECTION 14. Section 1329.03(q) which reads:

- (q) "Substantial improvement" means 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 before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. 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. The term does not, however, include either 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 any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

IS HEREBY AMENDED TO READ:

- (q) "New construction" means structures for which the "start of construction" commenced on or after the initial effective date of the City's Flood Insurance Rate Map, and includes any subsequent improvements to such structures.

SECTION 15. Section 1329.03(r) which reads:

- (r) "Variance" is a grant of relief to a person from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.

IS HEREBY AMENDED TO READ:

- (r) "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.

SECTION 16. Section 1329.03(s) is hereby added and shall read:

- (s) "Start of construction" means 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 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. 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.

SECTION 17. Section 1329.03(t) is hereby added and shall read:

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

SECTION 18. Section 1329.03(u) is hereby added and shall read:

- (u) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SECTION 19. Section 1329.03(v) is hereby added and shall read:

- (v) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
- (3) Any improvement to a structure which is considered new construction.

SECTION 20. Section 1329.03(w) is hereby added and shall read:

- (w) "Variance" means a grant of relief from the standards of this ordinance consistent with the variance conditions herein.

SECTION 21. Section 1329.05, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD is hereby amended to reflect the City's new address

as: . . . City Hall, 4035 Broadway, Grove City, Ohio.

SECTION 22. Section 1329.13(d) which reads:

(d) Alteration of Watercourses

- (1) 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.
- (2) 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.

IS HEREBY AMENDED TO READ:

(d) Alteration of Watercourses

- (1) 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. *A watercourse is considered to be altered if any change occurs within its banks.*
- (2) *Maintain engineering documentation required in Section 1329.10(d) that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.*
- (3) *Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.*

SECTION 23. Section 1329.15(b) which reads:

- (b) 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.

IS HEREBY AMENDED TO READ:

- (b) *Variances may be issued for the 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 the variance is the minimum necessary to preserve the historic character and design of the structure.*

SECTION 24. Section 1329.17(d) which reads, in part:

(d) Manufactured Homes

- (1) . . . Section 1329.16(a)

- (2) . . . manufactured home is at or above the base flood elevation.

IS HEREBY AMENDED TO READ, IN PART:

(d) Manufactured Homes

- (1) . . . Section 1329.16(2)
- (2) . . . manufactured home is at the base flood elevation.

These standards also apply to recreational vehicles that are either (i) located on sites for 180 days or more, or (ii) are not fully licensed and ready for highway use.

SECTION 25. Section 1329.17(e) which reads:

- (e) Enclosures Below Base Flood Elevation. The following provisions apply to all new and substantially improved residential and nonresidential structures which are elevated to or above base flood elevation using pilings, columns or posts or which contain a crawl space. These structures may enclose the area below the base flood elevation provided the following conditions are met:
- (1) Fully enclosed areas below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall:
 - A. Be certified by a registered professional engineer or architect; or
 - B. Meet or exceed the following criteria:
 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area shall be provided;
 2. The bottom of all openings shall be no higher than one foot above grade; and
 3. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
 - (2) Any enclosure which meets these criteria shall be considered as having met the requirements of Section 1329.16(a).

IS HEREBY AMENDED TO READ:

- (e) Enclosures Below The Lowest Floor. The following standards apply to all new and substantially improved residential and nonresidential structures which are elevated to the base flood elevation using pilings, columns or posts. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:
- (1) Be certified by a registered professional engineer or architect; or
 - (2) Must meet or exceed the following criteria:
 - (a) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

- (b) the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other openings provided that they permit the automatic entry and exit of floodwaters.

SECTION 26. Section 1329.18(a) & (b) which read:

- (a) Prohibit encroachments, 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.
- (b) If subsection (a) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1329.16, 1329.17 and this section.

IS HEREBY AMENDED TO READ:

- (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) If Section 1329.18(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1329.17 SPECIFIC STANDARDS.
- (c) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the City Administration to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.

SECTION 27. This ordinance shall take effect at the earliest opportunity allowed by law.

Cheryl L. Grossman
President of Council

Passed:

1-18-94

Effective:

2-17-94

Richard L. Stage
Richard L. Stage, Mayor

Attest:

Tami K. Kelly
Tami K. Kelly, Clerk of Council

I Certify that this ordinance is correct as to form.

Thomas R. Clark
Thomas Clark, Director of Law