

1353.36 APPEALS BOARD ESTABLISHED.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

1353.36 APPEALS BOARD ESTABLISHED.

CHAPTER 1353 Flood Damage Prevention

1353.34 ASSURANCE OF FLOOD CARRYING CAPACITY.

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

(a) Development in Floodways.

(1) In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. 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 the proposed development would not result in any increase in the base flood elevation; or

(2) Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:

- A. Meet the requirements to submit technical data in Section 1353.22(a);
- B. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
- C. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
- D. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
- E. Concurrence of the Mayor of Sheffield Lake and the Chief Executive Officer of any other communities impacted by the proposed actions.

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

(1) 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,

(2) 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:

- A. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
- B. Section 1353.34(a)(2), items A. and C. - E.

(c) Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

(1) The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

(2) Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

(3) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with Sheffield Lake specifying the maintenance responsibilities. If an agreement is required, it shall be

made a condition of the floodplain development permit.

(4) The applicant shall meet the requirements to submit technical data in Section 1353.22(a)(1)C. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

(Ord. 9-21. Passed 2-9-21.)

1353.35 DEVELOPMENT STANDARDS FOR COASTAL HIGH HAZARD AREAS(AND MoWA AREAS).

The requirements of Section 1353.35 apply to development in coastal high hazard areas designated zone V or VE on the community's effective FIRM (and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1353.24). (The requirements of Section 1353.35 also apply to development in Moderate Wave Action areas, within zone AE between a Limit of Moderate Wave Action and the landward limit of zone V or VE designated on the community's effective FIRM, or between a Limit of Moderate Wave Action and the offshore limit of the community's jurisdiction where zone V or VE is not designated on the community's effective FIRM.)

(a) All new construction and substantial improvements shall be elevated on pilings or columns that may be armored as necessary to withstand Lake Erie ice forces so that:

(1) The bottom of the lowest horizontal structural member supporting the lowest floor (excluding the pilings or columns) is elevated to or above the flood protection elevation, and

(2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

A. Water loading values shall be those associated with the base flood.

B. Wind loading values shall be those defined according to American Society of buildings and other structures, or current version adopted by the Ohio Board of Building Standards.

C. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Section 1353.35(a)(1) and (2).

(b) All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

(1) For purpose of Section 1353.35(b) a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot.

(2) Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or where so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet all of the following conditions:

A. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

B. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 "Minimum design loads and associated criteria for buildings and other structures", or equivalent standard.

(3) All space enclosed by breakaway walls, open wood lattice-work, or insect screening below the lowest floor shall be used solely for parking of vehicles, building access, or storage.

(c) The use of fill or redistributed existing fill, placed after the initial identification of Zones V, VE or V1-30 on community's FIRM, for structural support of buildings is prohibited.

(d) Alteration of sand dunes that will increase potential flood damage is prohibited.

(e) Placement or substantial improvement of manufactured homes must comply with Section 1353.35(a)-(e).

(f) Recreational vehicles must either:

(1) Be on site for fewer than 180 consecutive days;

(2) Be fully licensed and ready for highway use;

(3) Comply with Section 1353.35(a)-(e).

(Ord. 9-21. Passed 2-9-21.)

1353.36 APPEALS BOARD ESTABLISHED.

(a) The City of Sheffield Lake Board of Zoning Appeals is hereby appointed to serve as the Appeals Board for the purposes of this ordinance.

(b) All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in 609 Harris Road, Sheffield Lake, Ohio, 44054 and 4750 Richelieu Avenue, Sheffield Lake, Ohio, 44054.

(Ord. 9-21. Passed 2-9-21.)

1353.37 POWERS AND DUTIES.

(a) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.

(b) Authorize variances in accordance with Section 1353.39 of these regulations.

(Ord. 9-21. Passed 2-9-21.)

1353.38 APPEALS.

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 30 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(Ord. 9-21. Passed 2-9-21.)

1353.39 VARIANCES.

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to

special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(a) Application for a Variance.

(1) Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.

(2) Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

(3) All applications for a variance shall be accompanied by a variance application fee of two hundred dollars (\$200.00) set in the schedule of fees adopted by the City of Sheffield Lake.

(b) Notice of Public Hearing. The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

(c) Public Hearing. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

(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 that 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 floodplain 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 and the effects of wave action, if applicable, expected at the site.

(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.

Variances shall only be issued upon:

(1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

(3) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

(4) A determination that the structure or other development is protected by methods to minimize flood damages.

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

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

(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 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 items in Section 1353.39(c)(1)-(11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(3) 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 the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 9-21. Passed 2-9-21.)

1353.40 PROCEDURE AT HEARINGS.

(a) All testimony shall be given under oath.

(b) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.

(c) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.

(d) The administrator may present evidence or testimony in opposition to the appeal or variance.

(e) All witnesses shall be subject to cross-examination by the adverse party or their counsel.

(f) Evidence that is not admitted may be proffered and shall become part of the record for appeal.

(g) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.

(h) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

(Ord. 9-21. Passed 2-9-21.)

1353.41 APPEAL TO THE COURT.

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Lorain County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code. (Ord. 9-21. Passed 2-9-21.)

1353.42 COMPLIANCE REQUIRED.

(a) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these

regulations, unless specifically exempted from filing for a development permit as stated in Section 1353.20.

(b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1353.99.

(c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1353.99.

(Ord. 9-21. Passed 2-9-21.)

1353.43 NOTICE OF VIOLATION.

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (a) Be put in writing on an appropriate form;
- (b) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial actions, which, if taken, will effect compliance with the provisions of these regulations;
- (c) Specify a reasonable time for performance;
- (d) Advise the owner, operator, or occupant of the right to appeal;
- (e) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(Ord. 9-21. Passed 2-9-21.)

1353.99 VIOLATIONS AND PENALTIES.

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a second-degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Sheffield Lake. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Sheffield Lake from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Sheffield Lake shall prosecute any violation of these regulations in accordance with the penalties stated herein.

(Ord. 9-21. Passed 2-9-21.)

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- Ordinances of Sheffield Lake, OH
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- ORDINANCE NO. 116-84
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- ord for appeal
- order compliance with these regulations as hereinafter provided
- order shall:
- order remedial actions, which, if taken, will effect compliance with the provisions of these regulations;
- order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, re
- ordinance with the penalties stated herein
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