

FLOODPLAIN DEVELOPMENT PERMIT INFORMATION

National Flood Insurance Program Information: The National Flood Insurance Program (NFIP) provides flood insurance to individuals at much lower premiums than could otherwise be purchased through private insurers, and makes certain federal monies available to local communities. In order for citizens to be eligible for the national flood insurance rates, or for communities to receive certain kinds of federal monies, the community must agree to meet minimum floodplain standards along with State requirements.

In a participating NFIP community, flood insurance policies can be purchased from any local insurance agent at the national rate. Even though the policy may be issued as if it were coming from the insurance company you deal with, it is actually a Federal NFIP policy printed on the insurance agency's letterhead. The rates are determined by the flood risk zone in which you live and by the elevation of the lowest floor of your home, not by the insurance company, and should be the same regardless of which agent or agency sells you the insurance.

You may buy flood insurance for your own peace of mind, you may be required to buy it before a lending institution will make or refinance a loan, or you may not be buying flood insurance at all. Whatever the case, if the property which you propose to develop is located within a "Special Flood Hazard Area" on a flood map issued by the Federal Emergency Management Agency (FEMA), you **MUST** obtain a Floodplain Development Permit **prior** to beginning the project. This is a requirement of the local Flood Damage Prevention Ordinance of your community, and there are penalties for failing to do so.

Floodplain Development Permits are required for developments in areas designated as "Special Flood Hazard Areas" of FEMA issued flood maps, or where the community regulates to a greater boundary. Flood Insurance Rate Maps may be reviewed at the office of the FPA, or online at the FEMA website: www.MSC.FEMA.gov

Each municipality is responsible for enforcing floodplain development standards for all floodplain development within the jurisdiction, except for that undertaken by the state or federal agencies. (Report concerns about state or federal projects to the NYS Department of Environmental Conservation.) A floodplain development permit is required for projects undertaken by another municipality, county, school district, or public improvement district. Municipal projects must comply with floodplain development standards, though the municipality need not issue themselves a permit. Permits from other agencies do not preclude the need for a municipal floodplain permit.

How is our community benefited by being part of the CRS and meeting FEMA Requirements? Belonging to the Community Rating System (CRS) assures our community of Federal Funds in the event of a flood. This is not necessarily the “act of nature”. If the community is not part of the CRS it will not be eligible for state funding in the event of a flood, nor will the community be eligible for Federal Funded loans. Even if you do not do improvements to your home in the flood zone, your flood insurance will go up yearly until the current rate is met. Currently the homes in the flood zone are subsidized and are paying at a reduced rate. Eventually homes in the flood zone will need to meet FEMA requirements. There are different levels of compliance that need to be met and each level has a different rate at which the policy owner could pay. The requirements range from raising your home above Base Flood Elevation to filling in the basement, there are many more requirements that need to be met, please contact your building department to get a better understanding.

PERMIT REQUIRED: As required by the Federal Emergency Management Agency (FEMA) Code of Federal Regulations, National Flood Insurance Program, (NFIP) 44 CFR Part 60.3(a)(1), no work of any kind may begin in the Special Flood Hazard Area (SFHA) until a Floodplain Development Permit is issued. The permit shall be for all structures and for all development, including fill and other activities, as set forth in the Floodplain Ordinance. Examples of such activities include but are not limited to any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings, accessory structures, or other structures; the placement of manufactured homes; mining; dredging; streets and other paving; docks; utilities; filling, grading and excavation, clearing of trees and other vegetation; drilling operations; storage of equipment or materials, and formation of manufactured home, recreational vehicle, or trailer parks. The floodplain development permit requirement is intended to allow the City to monitor activities located in the SHAD to ensure the following:

- Base flood elevations do not significantly change as a result of development
- Buildings in floodways and floodplains are constructed and maintained properly
- Substantially damaged/improved buildings are brought into compliance with current floodplain regulations.

APPLICATION FOR PERMIT: Application for a Floodplain Development Permit shall be made on forms furnished by the City. If a change of ownership of the affected property occurs following the issuance of a permit and prior to issuance of a Certificate of Compliance, the new owner(s) shall submit an application within 15 days of the date of ownership change. If a new application is not submitted within the 15 days, all work must cease immediately. No deviation from the original application is allowed except the change of ownership. By signing and submitting this application the Applicant certifies that

all statements contained in the application, and in any additional attachments, are true and accurate. All applications shall include the following:

- A. Plans in duplicate, drawn to scale, showing:
- The nature, location, dimensions and elevations of the area in question, including the location of the property with reference to river and stream channels, floodplain and floodway, and the location of permanent or temporary reference marks
 - Excising and proposed structures and/or development
 - Fill and excavation details
 - Storage of materials
 - Location of drainage facilities
 - Elevation (in relation to mean sea level) of the bottom floor of all structures (including basements and crawl spaces)
 - Engineering details and description of the extent to which any watercourse will be altered or relocated as a result of proposed development
 - If applicable, elevation (in relation to mean sea level) to which any structure will be flood proofed and certification by a registered professional engineer that flood proofing methods for any structure meet the flood proofing criteria established in the Floodplain Ordinance
 - Extent of foundation walls and footings below finished grade
 - Size and location of all flood openings/vents
 - Elevations of all mechanical, electrical, plumbing, and ducting
- B. For structures, an Elevation Certificate based on construction drawings from a registered engineer or licensed surveyor. A finished construction Elevation Certificate will be required upon completion of the structure before the Certificate of Compliance is issued.
- C. Copies of environmental permits from federal or state agencies, if applicable, and evidence of notification of the adjacent communities and FEMA of any alteration or relocation of watercourses.
- D. Any additional information required by the Floodplain Administrator.

Note: Application for a Floodplain Development Permit (FDP) is a SEPARATE Process from the Building Permit application process. The FDP is a prerequisite for application to the Building Department for all development in the Special Flood Hazard Area.

FIELD INFORMATION: The applicant's engineer or surveyor shall establish two temporary Base Flood Elevation marks within 50 feet of the proposed development and the

floodway boundary shall be marked every 50 feet across the property. The floodway boundary shall be established using the Flood Boundary and Floodway Map.

REVIEW: Upon receipt of a completed Floodplain Development Permit Application the Floodplain Administrator shall review the application and grant or deny the requested development permit, in accordance with the provisions of the floodplain Ordinance and current FEMA NFIP rules and regulations.

NOTICE TO APPLICANT, ISSUANCE OF PERMIT: After a decision has been rendered, the Floodplain Administrator shall return one copy of the application and decision, including any special permit conditions that apply, after having marked such copy either as approved or denied and attested to the same by signing such copy to the applicant. One copy of the completed application, decision and special conditions shall be retained by the Floodplain Administrator. The Floodplain Administrator shall issue a placard to be posted in a conspicuous place on the affected property, and the placard shall remain posted until a Certificate of Compliance is issued, attesting to the fact that the use or alteration is in compliance with the provisions of the Floodplain Ordinance.

CERTIFICATE OF COMPLIANCE: The development may not be used or occupied until a Certificate of Compliance is issued. By signing and submitting this application the Applicant gives consent to the Floodplain Administrator or a designee to make reasonable inspections prior to the issuance of a Certificate of Compliance.

NON-CONVERSION DECLARATION: Residential structures with enclosed areas below the Base Flood Elevation will require a Non-Conversion Declaration to be signed and recorded before the Certificate of Compliance is issued.

EXPIRATION AND REVOCATION OF FLOODPLAIN DEVELOPMENT PERMIT: A Floodplain Development Permit shall be subject to expiration and/or revocation by the Floodplain Administrator under the following circumstances:

- Upon change of ownership, the new owners do not submit an application within 15 days of the change of ownership
- The owner deviates from the original application in any way other than change of ownership
- Work has not started within 180 days of permit approval or if work is suspended for 180 days. (Extension may be granted by Floodplain Administrator but must be obtained within one year of the date of issue)

APPEALS: Any person aggrieved by a decision of the Floodplain Administrator in the grant or denial of a Floodplain Development Permit may appeal such decision to the City Council by filing a notice of appeal stating the nature of the appeal

within thirty (30) days of the return of the Floodplain Administrator's decision to the Applicant. The City Council shall schedule and hold a public hearing in accordance with the local ordinance to further consider the application. Following the public hearing, the City council shall, within fifteen (15) days of the hearing affirm or reverse the decision of the Floodplain Administrator. The decision of the City Council shall be in writing with findings of fact and conclusions of law that explain the criteria and standards considered relevant, state the facts relied upon, and explain the justification for the decision.

DOCUMENT RETENTION: In accordance with NFIP regulations, State Building Code and the Floodplain Ordinance, documentation related to this application must be retained. Specifically, all records including but not limited to Floodplain Development Permits, elevation certificates, engineering certificates, Non-Conversion Declarations, Certificate of Compliance and plot maps must be permanently retained by the City for public inspection at City Hall.