

May 17, 2023

To: Mayor and Members of City Council 202301440

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – Repeal and Replacement of Chapter 1109 of the Cincinnati Building Code

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Attached is an Emergency Ordinance captioned:

AMENDING Title XI, “Cincinnati Building Code,” by repealing Chapter 1109, “Flood Damage Reduction,” of the Cincinnati Municipal Code in its entirety; ORDAINING new Chapter 1109, “Flood Damage Reduction,” of the Cincinnati Building Code, for the purpose of maintaining City eligibility for the Federal Emergency Management Agency’s National Flood Insurance Program; and MODIFYING Chapter 1501, “Code Compliance and Hearings,” by amending Section 1501-9, “Class D. Civil Offenses,” to update the City’s floodplain regulations to ensure the City’s ongoing participation in the National Flood Insurance Program.

On March 3, 2023, the Federal Emergency Management Agency (FEMA) formally notified the City of the need to work with the Ohio Department of Natural Resources (ODNR) to review its existing floodplain-management regulations to ensure they meet the minimum requirements of the National Flood Insurance Program (NFIP). In particular, the FEMA mandate requires the City to update its floodplain-management regulations and have them certified by the ODNR as compliant with the standards of 44 CFR Part 60.3(D) of the NFIP regulations no later than June 7, 2023, the date when FEMA’s Revised Preliminary Flood Insurance Study report and Flood Insurance Rate Map become effective.

This Ordinance, drafted in consultation with the ODNR, responds to the FEMA mandate and will ensure the City may continue to participate in the National Flood Insurance Program (NFIP). The Administration recommends passage of this ordinance to allow citizens to participate in this program.

This Ordinance is based on the ODNR’s 2019 model code and includes the following modifications to the City’s existing floodplain-management regulations:

1. Clarifies the separation between residential requirements and non-residential requirements.
2. Clarifies floodway requirements vs. floodplain requirements.
3. Creates and modifies definitions to assist in understanding historic building requirements (including how additions to historic structures are treated), new construction, residential uses, and non-residential uses.
4. Clarifies the variance process, including the FEMA stance on the rarity of variance approvals.
5. Better defines the City’s process for floodplain-development approvals.

cc: Art Dahlberg, Director of Buildings & Inspections