

**Additional Proposed Legislation for the
July 23, 2024 City Council Meeting-**

*** * Please Note * ***

For questions, call the City Clerk's Office at 585-428-7421



June 26, 2024

MAYOR/PMO 29

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – Marketplace.city Inc.

Comprehensive Plan 2034 Initiative Area: Planning for
Action

Transmitted herewith for your approval is legislation establishing \$24,000 as maximum compensation for an agreement with Marketplace.city Inc. (Chris Foreman, Chicago, IL) for subscription services related to sourcing of technology products and services. The term of this agreement will be one year, with the option to renew for two additional one-year periods. The cost of this agreement will be funded from the 2024-25 Budget of the Mayor's Office, with subsequent years' costs subject to a 5% yearly increase and funded from the future annual budgets of the Mayor's Office, contingent upon approval.

Marketplace.city's Clearbox Source Subscription helps governments source, evaluate and procure technology products and services. The dataset and service offerings are unique as they capture current market data relating to over 100 topic areas. This data includes full market landscapes of solutions, case studies, pricing, performance, contract vehicles etc. It has been used by the City for 6 months, previously funded by the Department of Information Technology, and has been shown to significantly reduce market research time and the need for Requests for Information by the City.

Respectfully submitted,

Malik D. Evans
Mayor

RECEIVED
CITY OF ROCHESTER
CITY COUNCIL OFFICE
JUN 26 2024 1:46



NO RFP JUSTIFICATION STATEMENT

Awarding a Professional Services Agreement Without a Request for Proposals

The Procurement of Professional Services Policy (Ord. No. 2012-318) requires an RFP to be issued under most circumstances. If it is determined that an RFP will not be issued, this form must be completed, signed by the Department Head, and kept on file (electronically or hard copy). It must also be submitted:

1. To City Council as an attachment to the transmittal letter for any PSA that exceeds \$10,000, and
2. To the contract record when entered in Munis.

Department: Project Management Office

Services(s): Clearbox Source subscription and services to support sourcing, validation, and procurement of technology products, services, and solutions.

Vendor/Consultant selected: Marketplace.city

How was the vendor selected? Marketplace.city exclusively helps state and local governments source, evaluate and procure technology products and services.

Why was no RFP issued for this service?

Marketplace.city is an **exclusive** service, as listed above. The dataset and service offerings are unique as they capture current market data relating to over 100 topic areas. This data includes full market landscapes of solutions, case studies, pricing, performance, contract vehicles etc. The solutions helps local governments quickly get educated on markets and trends support and service also will use market data to help structure both the optimal procurement pathway and structure the necessary solicitation from information in their datasets for vendor questions and responses.

Starting in 2023, the City used Marketplace.city's subscription and services during a 6-month trial period. During that time, the City gained from the data provided by Marketplace.city data and research. For the projects identified during that time, through this process the City better understood the full market landscape of potential solutions, gained visibility into how other local governments of similar geography and demography solved for similar issues, the costs of potential solutions, and available contracting vehicles. This saved resource hours and calendar months as well as prepared the City for pricing both budgetarily and for negotiations, through peer information.

Moving forward, continued subscription and services would provide the above benefits to future projects.

The City wishes to proceed with immediately issuing a Purchase Order with Marketplace.city because:

1. Clearbox Source is a unique and proprietary research process that is solely offered by Marketplace.city.

2. Independent Agency research via the web, government references, industry organizations, and many years of combined experience of our internal resources did not reveal any competitive solutions that offer custom research of recent purchases of technology products and solutions on a case by case basis under a subscription based model.

3. Uniqueness of expertise: Clearbox Source collects data specifically on technology services and solutions for local government. Their research spans every department across government entities and is also unique to technology. The research that Source consists of is unique in that it not only collects vendor information, but also references customer information, pricing and contracting data in order to capture recent pricing events and contracts for vendors. Other data products on the market just provide contract data and lack context.

4. Marketplace.city offers short term subscriptions (1 year) to the service allowing the City to quickly capture value without long term commitments.

This decision is in the best interest of the City in order to increase the level of competition for our purchases, to ensure they have visibility into the broad market for suppliers, and to execute purchases in a timely manner in order to support the responsiveness and effectiveness of City departments.

Compensation

Amount: \$24,000

\$24,000 is the standard cost. The rate is used with all of our state and local government customers.

The MWBE Officer has reviewed the proposed Agreement for MWBE and Workforce goals. MWBE Officer Initials: _____ Date: _____

Harriet Fisher

6/13/2024

Signature: Department Head

Form date 1/7/11



Date

6/14/2024

Authorizing an agreement relating to the sourcing of technology products and services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Marketplace.city Inc. to provide subscription services to source, evaluate and procure technology products and services. The term of the agreement shall be one year with the option to extend by up to two additional 1-year periods. The maximum compensation for the initial 1-year term shall be \$24,000 funded from the 2024-25 Budget of the Mayor's Office (Mayor's Budget). The maximum compensation for the subsequent 1-year term extensions, if so opted for, shall be subject to a 5% annual increase over the prior year and funded from the 2025-26 Mayor's Budget for the first extension year and the 2026-27 Mayor's Budget for the second extension year, contingent upon the approvals of those Budgets.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

**Budget, Finance & Governance
Introductory No.**

294

Malik D. Evans
Mayor

June 26, 2024

BHRM 31

TO THE COUNCIL

Ladies and Gentlemen:



Re: Agreement – GovernmentJobs.com, Inc.,
Recruitment and Applicant Tracking Software
and Services

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation establishing \$171,926 as total maximum compensation for an agreement with GovernmentJobs.com, Inc., (Shane Evangelist, CEO) of El Segundo, California, to provide recruitment and applicant tracking software and services. The agreement will have a term of three years, and will be funded from the 2024-25, 2025-26, and 2026-27 Budgets of the Department of Human Resource Management in the amounts of \$55,442, \$53,600, and \$62,884, respectively, contingent upon approval of future budgets.

GovernmentJobs.com, Inc. has provided a software solution for the City's recruitment, applicant tracking, selection, and reporting and analysis system since 2020, which was approved by Ordinance No. 2020-319. GovernmentJobs.com, Inc. had been previously selected to provide these services to the City primarily because of their exclusive focus on providing applicant tracking services to public sector agencies which possess similar Civil Service and system requirements as the City.

A justification for not issuing a request for proposals is attached.

Respectfully submitted,

Malik D. Evans
Mayor

RECEIVED
CITY OF ROCHESTER
CLERK/COUNCIL OFFICE
JUN 26 10:45



NO RFP JUSTIFICATION STATEMENT

Awarding a Professional Services Agreement Without a Request for Proposals

The Procurement of Professional Services Policy (Ord. No. 2012-318) requires an RFP to be issued under most circumstances. If it is determined that an RFP will not be issued, this form must be completed, signed by the Department Head, and kept on file (electronically or hard copy). It must also be submitted:

1. To City Council as an attachment to the transmittal letter for any PSA that exceeds \$10,000, and
2. To the contract record when entered in Munis.

Department: DHRM

Services(s): Recruitment and Applicant Tracking Software and Services

Vendor/Consultant selected: GovernmentJobs.com, Inc.

How was the vendor selected?

In 2015, the City issued a request for proposals (RFP) for a new Human Resource Management and Payroll system. This resulted in an agreement being entered into with Workday, Inc. due to the fact that they ranked the highest in three (3) of the four (4) human resource and payroll core process areas. The core process area for which Workday, Inc. did not rank the highest was recruitment and applicant tracking for which GovernmentJobs.com, Inc. ranked the highest amongst all companies who responded to that RFP.

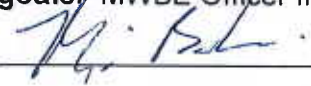
Why was no RFP issued for this service?

GovernmentJobs.com, Inc. is the preeminent provider of Public Sector/Civil Service Recruitment and Applicant Tracking software. Their primary business focus on this industry positions them best to satisfy all of the needs associated with the complexities of New York State Civil Service Law as it pertains to both recruitment and applicant tracking at the City. Additionally, since 2020 GovernmentJobs.com, Inc. has worked closely with the City to configure our applicant tracking system to cater to our needs so as a result going with a new provider for this service at this time would negate all of the time and effort that was involved in that configuration.

Compensation Amount: \$171,926

The compensation amount for this contract is only a 3.9% increase from the three (3) year agreement that was entered into with GovernmentJobs.com, Inc. back in 2020.

The MWBE Officer has reviewed the proposed Agreement for MWBE and Workforce goals. MWBE Officer Initials: _____ Date: _____



6/17/2024

Signature: Department Head:

Date: June 13, 2024

Rose M. Nichols

Ordinance No.

Authorizing an agreement for employee recruitment and applicant tracking software and services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with GovernmentJobs.com, Inc. to provide employee recruitment and applicant tracking software and services. The term of the agreement shall be three years. The maximum compensation for the each year of the term shall be: \$55,442 for the first year funded from the 2024-25 Budget of the Department of Human Resource Management (DHRM); \$53,600 for the second year funded from the 2025-26 Budget of DHRM; and \$62,884 for the third year from the 2026-27 Budget of DHRM, contingent upon the approval of the latter two budgets.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.



295



June 27, 2024

DES 9

TO THE COUNCIL

Ladies and Gentlemen:

Re: Consolidated Funding Applications for 2024-25

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods; Sustaining Green
and Active Systems; Fostering Prosperity and
Opportunity

Transmitted herewith for your approval is legislation related to the 2024-25 New York State Consolidated Funding Application (CFA) process.

This legislation will:

1. Authorize the City's applications for over \$8.51 million in New York State funding through the CFA process; and
2. Authorize any necessary agreements with State for the receipt of funding.

As part of New York's efforts to improve the business climate and expand economic growth, the CFA was created to support the Regional Economic Development Council (REDC) Initiative. The CFA streamlined and expedited the grant application process, marking a shift in the way state resources are allocated. The CFA allows applicants to access multiple state funding sources through a single application.

This year, there are more than 20 programs available through eight state agencies: Empire State Development; New York State Homes and Community Renewal; Office of Parks, Recreation and Historic Preservation; Department of State; Canal Corporation; Energy Research and Development Authority; Power Authority; and Department of Environmental Conservation.

City Applications

In spring 2024, an interdepartmental team of City staff worked to review CFA availability as it related to each department and create a citywide CFA application plan. Projects recommended for City submissions were based on the current stage of project development, ability to complete the projects within the timeframes established by the funding agency, and the ability to obtain matching funds through the City's Capital Improvement Program.

If State funding is awarded, it is anticipated that any local match amounts not already allocated will be requested in the 2025-26 Capital Improvement Plan.



Applications are due by July 31, 2024. The City of Rochester intends to submit up to five applications for the projects listed below:

2024 City Applications for CFA			
Project	Total Project Cost	State Request	Local Match
Running Track Bridge Conversion Trail Connection	\$3,000,000	\$2,000,000	\$1,000,000
Genesee River Debris Mitigation Assessment	\$600,000	\$510,000	\$90,000
Downtown Streetscape and Public Space Enhancements	\$6,000,000	\$3,000,000	\$3,000,000
Hemlock Lake Dam Slope Rehabilitation Project	\$1,500,000	\$1,000,000	\$500,000
Cycle Track Implementation	\$2,500,000	\$2,000,000	\$500,000

Project descriptions are provided in the attached summary.

Respectfully submitted,



Malik D. Evans
Mayor

In spring 2024, an interdepartmental team of City staff worked to review CFA availability as it related to each department and create a citywide CFA application plan. Projects recommended for City submissions were based on the current stage of project development, ability to complete the projects within the timeframes established by the funding agency, and the ability to obtain matching funds through the City's Capital Improvement Program.

- **Running Track Bridge Conversion Trail Connection (DES A&E)**

As part of the planned conversion of the former Running Track Bridge rail trestle into a pedestrian bridge, build a trail connection on the west side of the bridge, tying into Ambrose and Cliff Streets. The project also would make improvements to both streets (inclusive of sidewalks and lighting) to provide users an inviting trail experience that meaningfully connects to the City street network. The overall project will provide a vital bicycle and pedestrian connection between the El Camino Trail and CONEA neighborhood on the east side of the river with the Genesee Riverway Trail and the Edgerton and High Falls neighborhoods to the west.

- **Genesee River Debris Mitigation Assessment (DES A&E)**

Conduct an assessment and preliminary design for a system to capture tree debris in the Genesee River before it reaches Center City. Every year, excessive amounts of large downed trees and limbs become trapped against the City's downtown bridges. To ensure free flow of the river and to protect its critical bridge infrastructure, the City has to remove tree debris annually. Much of the tree debris originates outside the City. This project will assess opportunities to intercept tree debris south of downtown to reduce long-term wear and tear on the City's bridges and to reduce operational costs associated with debris removal. The assessment will address potential technology, permitting, and ongoing operation and maintenance costs.

- **Downtown Streetscape and Public Space Enhancements (DES A&E / NBD)**

Advance projects in support of Rochester's ongoing Downtown Revitalization Initiative. Improvements will include the potential use of subsurface heating to extend the usable season for Main Street Commons, a new outdoor space to be created between St. Paul Street and North Clinton Avenue; reconstruction of Division Street to catalyze adjacent development and enhance pedestrian circulation; and renovation of the unimproved rear entrance to the Mortimer Street Garage to provide access to future electric vehicle charging stations and a shared refuse and recycling enclosure for surrounding buildings.

- **Hemlock Lake Dam Slope Rehabilitation Project (DES Water)**

Replace an approximately 1,200-foot section of concrete erosion control slabs on the upstream side of the Hemlock Lake Dam. The concrete erosion control slabs require replacement due to excessive cracking and spalling of the existing slabs. The City previously replaced a portion of the concrete erosion control slabs on an adjacent 1,200-foot section of the dam. The concrete erosion control slabs protect the dam from potential damaging effects caused by wave and ice action on Hemlock Lake. Left unprotected, the wave and ice action could damage the dam, causing a breach that could result in downstream flooding.

- **Cycle Track Implementation (DES A&E)**

Build out one or more cycle tracks on upcoming street improvement projects to advance the City's active transportation and traffic safety goals. Cycle tracks are physically separated from vehicle lanes and provide a high-comfort facility for cyclists of all ages and abilities.

INTRODUCTORY NO.

295

Ordinance No.

Authorizing Consolidated Funding Grant applications and agreements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit applications to, and enter into agreements with, New York State for funding through the 2024-25 New York State Consolidated Funding Application for the following projects:

Project	Total Cost	State Request	Local Match
Running Track Bridge Conversion Trail Connection	\$3,000,000	\$2,000,000	\$1,000,000
Genesee River Debris Mitigation Assessment	\$600,000	\$510,000	\$90,000
Downtown Streetscape and Public Space Enhancements	\$6,000,000	\$3,000,000	\$3,000,000
Hemlock Lake Dam Slope Rehabilitation Project	\$1,500,000	\$1,000,000	\$500,000
Cycle Track Implementation	\$2,500,000	\$2,000,000	\$500,000

Section 2. City match funding shall be provided through City Budget funds allocated for these project purposes or through the 2025-26 Capital Improvement Plan.

Section 3. The applications and agreements shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.



296,297

June 27, 2024

DES 17

TO THE COUNCIL

Ladies and Gentlemen:



Re: Goodman Firehouse Priority Facility
Improvements

Council Priority: Creating and Sustaining a Culture of
Vibrancy

Comprehensive Plan 2034 Initiative Area: Sustaining
Green and Active Systems

Transmitted herewith for your approval is legislation related to Goodman Firehouse Priority
Facility Improvements Project. This legislation will:

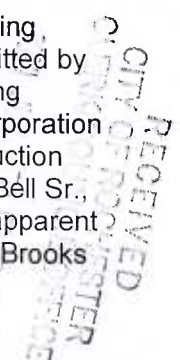
1. Authorize the issuance of bonds totaling \$5,985,000 and the appropriation of the proceeds thereof to partially finance the construction and Construction Management (CM) & Resident Project Representation (RPR) services for the Project; and,
2. Establish \$574,000 as maximum compensation for a professional services agreement with Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT, P.C. (Joseph A. Dopico, 280 E. Broad Street, Suite 200, Rochester, New York), for CM & RPR services for the Project. The cost of the agreement will be funded from the sources outlined in the chart on the following page.

The Goodman Firehouse was constructed in 1960. The Project scope incorporates high priority facility improvements that include, but are not limited to, a small building addition to accommodate gender neutral bathrooms and bunkrooms, building system upgrades, general facility renovation, code compliance and site improvements.

The Project was designed by LaBella Associates, D.P.C. as authorized by Ordinance Nos. 2021-409 and 2023-32.

Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT, P.C. was selected for CM & RPR services through a request for proposal process, which is described in the attached summary.

Bids for construction were received on May 7, 2024. There are four prime contracts being awarded. The general construction contract apparent low bid of \$5,104,000 was submitted by UDN, Inc. (Nick Charvella, C.E.O., 252 Alexander Street, Rochester, NY). The plumbing construction contract apparent low bid of \$425,000 was submitted by DG Messmer Corporation (Gary Messmer, C.E.O., 6319-B Dean Parkway, Ontario, NY). The mechanical construction contract apparent low bid of \$1,077,000 was submitted by Bell Mechanical (Lawrence Bell Sr., C.E.O., 105 Lincoln Parkway, E. Rochester, NY). The electrical construction contract apparent low bid of \$561,000 was submitted by Billitier Electric Inc. (Ronald Billitier, C.E.O., 760 Brooks Avenue, Rochester, NY). Total construction contracts anticipated to be awarded total \$7,167,000.



The Project will be funded as follows:

	Design	Construction	Construction Contingency	Incidentals	RPR	Total
ARPA authorized in Ordinance No. 2022-313	\$425,000	\$2,375,000	\$0	\$0	\$0	\$2,800,000
2021-22 Cash Capital	\$140,000	0	0	100,000	0	\$240,000
2023-24 Cash Capital	0	0	540,000	0	60,000	\$600,000
Bonds authorized herein	0	4,792,000	176,505	502,495	514,000	\$5,985,000
Total	\$565,000	\$7,167,000	\$716,505	\$602,495	\$574,000	\$9,625,000

This proposed legislation was developed by the Department of Environmental Services (DES) in collaboration with the Rochester Fire Department (RFD).

Construction is anticipated to begin in summer 2024 and be substantially complete in late 2025. The additional funds allocated to the Project will result in the creation and/or retention of the equivalent of 72.7 full-time jobs.

The term of the agreement shall be three months after completion of the two-year guarantee inspection of the Project.

Respectfully submitted,



Malik D. Evans
Mayor

INTRODUCTORY NO.

296

Ordinance No.

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$5,985,000 Bonds of said City to finance the costs of the Goodman Firehouse Priority Facility Improvements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City") is hereby authorized to finance the costs of the Goodman Firehouse Priority Facility Improvements which include but are not limited to a small building addition to accommodate gender neutral bathrooms and bunkrooms, building system upgrades, general facility renovation, code compliance and site improvements at the firehouse located at 736 North Goodman Street (collectively, the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$9,625,000. The plan of financing includes the issuance of \$5,985,000 bonds of the City, which amount is hereby appropriated therefor, \$2,800,000 in United States Treasury funds provided pursuant to the American Rescue Plan Act of 2021 ("ARPA") and appropriated in Ordinance No. 2022-313, \$240,000 from 2021-22 Cash Capital, \$600,000 from 2023-24 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$5,985,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$5,985,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 13. of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City

are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

INTRODUCTORY NO.

297

Ordinance No.

Authorizing an agreement relating to the Goodman Firehouse Priority Facility Improvements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT, P.C. for Construction Management and Resident Project Representation services for the Goodman Firehouse Priority Facility Improvements (Project). The maximum compensation for the agreement shall be \$574,000, which shall be funded in the amounts of \$514,000 from the proceeds of bonds authorized in a concurrent ordinance and \$60,000 from 2023-24 Cash Capital. The term of the agreement shall continue to three months after completion of a two-year guarantee inspection of the Project.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

**PUBLIC SAFETY
COMMITTEE
INTRODUCTORY NO.**

298, 299
July 3, 2024

Malik D. Evans
Mayor

LAW 32

TO THE COUNCIL

Ladies and Gentlemen:



Re: Flood Damage Prevention
Map and Rule Updates

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative:
Sustaining Green & Active Systems

RECEIVED
CITY OF ROCHESTER
CIVIL ENGINEERING
2024 JUL 3 11:11 AM

Transmitted herewith for your approval is legislation updating the City's Flood Damage Prevention program (Program) to account for modifications to the Federal Emergency Management Agency (FEMA) flood hazard maps and to abide by general modifications to the Federal and State flood hazard prevention regulations that have been enacted since 2008, when the City last modified its Program regulations. The legislation consists of:

1. a local law that: transfers the City's Program regulations from Chapter 56 of the Municipal Code to a new Chapter XIX of the City Charter; incorporates FEMA's revised Flood Insurance Rate Maps (FIRM) within the City's jurisdiction; and modifies the City's Program regulations to account for nation- and State-wide modifications to flood damage control requirements enacted since 2008 by FEMA and the New York State Department of Environmental Conservation (NYSDEC); and
2. an ordinance that modifies Chapter 56 of the Municipal Code to account for the transfer of the Program regulations to the City Charter.

Under the National Flood Insurance Program (NFIP), FEMA provides city property owners and mortgage lenders with access to affordable flood insurance, provided that the City maintains and enforces a flood damage prevention program that complies with federal and state regulations. Under the City's Program certain additional rules pertain and a City permit is required for construction and other activities that are conducted within certain "areas of special flood hazard" designated by FEMA in the Flood Insurance Rate Maps (Flood Hazard Areas). NYSDEC is the designated "coordinating agency" for the implementation of the NFIP in New York State.

FEMA recently completed a new set of Flood Insurance Study and Flood Insurance Rate Maps (FIRMs) for the City of Rochester, which will become effective on July 31, 2024. As part of this process, FEMA requires that the City adopt the new flood insurance rate maps into its Program regulations. The local law adopts those new maps into the City's Program.

Casmic Reid, the City's Program administrator, with the assistance of NYSDEC's flood control program staff, has reviewed the new maps and determined that will modify the boundaries of Flood Hazard Areas only along the eastern bank of the Genesee River at and nearby the Gibbs Marina and along the Lake Ontario shoreline extending from Ontario Beach Park westward to the Greece town line. He has determined that these boundary changes are not significant. He also has checked and confirmed that the revised FIRM maps still incorporate FEMA's 2016 Letter of Map Revision, which removed the mistaken designation of a Flood Hazard Area within the Corn Hill neighborhood, in accordance with Ordinance No. 2016-84.



NYSDEC has informed the City that it now requires localities to enact their NFIP regulations by means of a local law to be filed with the NYS Secretary of State, rather than by an ordinance. NYSDEC has reviewed and confirmed that the local law's Program regulations have been sufficiently updated to abide by the current FEMA and NYSDEC requirements for local flood damage prevention programs. The Program's review process remains the same, with the designated local administrator assigned to administer the Program and review requests for permits to perform work within Flood Hazard Areas and the Planning Commission designated to hear and decide appeals for waivers from the requirements of the local law.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'M. Evans', with a long horizontal flourish extending to the right.

Malik D. Evans
Mayor

Local law amending the City Charter relating to Flood Damage Prevention

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended in Article XII, Commissions and boards, by modifying the Planning Commission jurisdiction and authority list at § 12-13A(12) to read as follows:

(12) To hear, review and decide applications for variances and appeals pertaining to the Flood Damage Prevention program pursuant to Article XIX of the City Charter.

Section 2. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding to the end a new article, Article XIX, Flood Damage Prevention, to read as follows:

**Article XIX
Flood Damage Prevention**

§ 19-1 STATUTORY AUTHORIZATION AND PURPOSE

This article regarding Flood Damage Prevention is adopted by local law as authorized by the New York State Constitution, Article IX, Section 2, and the Environmental Conservation Law, Article 36.

A. FINDINGS

The City Council of the City of Rochester finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the City of Rochester and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this article is adopted by local law.

B. STATEMENT OF PURPOSE

It is the purpose of this article to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) Regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- (6) Qualify for and maintain participation in the National Flood Insurance Program.

C. OBJECTIVES

The objectives of this article are:

- (1) To protect human life and health;

- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To provide that developers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 19-2 DEFINITIONS.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

ACCESSORY STRUCTURE

A structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10-percent of the value of the primary structure, and may not be used for human habitation.

APPEAL

For purposes of this article, a request for a review of the Local Administrator's interpretation of any provision of this article or a request for a variance.

AREA OF SHALLOW FLOODING

A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this article, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT

That portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING

See "Structure."

CELLAR

Has the same meaning as "Basement."

COASTAL A ZONE

Area within a SFHA, landward of a V1-V30, VE, or V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flood must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 1 ½ feet (457 mm). The inland limit of coastal A zone is (a) the Limit of Moderate Wave Action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

COASTAL HIGH HAZARD AREA

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VI-V30, VE, VO or V.

CRAWL SPACE

An enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING

A non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The Federal agency that administers the National Flood Insurance Program.

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "Flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of

water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY

An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM)

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

See "flood elevation study."

FLOODPLAIN OR FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source (see definition of "Flooding").

FLOODPROOFING

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY

Has the same meaning as "Regulatory Floodway."

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. 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;

- C. 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
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

LIMIT OF MODERATE WAVE ACTION (LIMWA)

Line shown on FIRMs to indicate the inland limit of the 1 ½ foot (457 mm) breaking wave height during the base flood.

LOCAL ADMINISTRATOR

The person appointed by the community to administer and implement this article by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

LOWEST FLOOR

Lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for the 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 not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational Vehicle."

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum to which base flood elevations shown on a community's FIRM are referenced.

MOBILE HOME

Has the same meaning as "Manufactured Home."

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

ONE HUNDRED YEAR FLOOD OR 100-YEAR FLOOD

Has the same meaning as "Base Flood."

PRIMARY FRONTAL DUNE

A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

PRINCIPALLY ABOVE GROUND

That at least 50 percent of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE

A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY

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 a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 19-4D(2) of this article.

SAND DUNES

Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION

The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The "actual start of construction" means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling) or the installation of streets or walkways or excavation for a basement, footings, piers or foundations or the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. 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 the building.

STRUCTURE

A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE

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.

SUBSTANTIAL IMPROVEMENT

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. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (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; or

- (2) Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE

A grant of relief from the requirements of this article which permits construction or use in a manner that would otherwise be prohibited by this article.

§ 19-3 GENERAL PROVISIONS

A. LANDS TO WHICH THIS ARTICLE APPLIES

This article shall apply to all areas of special flood hazard.

B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the City of Rochester, Community Number 360431, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Numbers:

36055C0088H, 36055C0201H, 36055C0202H, 36055C0206H, 36055C0208H

whose effective date is July 31, 2024, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Monroe County, New York, (All Jurisdictions)," dated July 31, 2024.

- (1) Flood Insurance Rate Map Panels:

36055C0179G, 36055C0182G, 36055C0184G, 36055C0191G, 36055C0192G,
36055C0193G, 36055C0194G, 36055C0203G, 36055C0211G, 36055C0213G,
36055C0214G, 36055C0216G, 36055C0218G, 36055C0331G, 36055C0332G, 36055C0351G

whose effective date is August 28, 2008 and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Monroe County, New York (All Jurisdictions)," dated August 28, 2008.

The above documents are hereby adopted and declared to be a part of this article. The Flood Insurance Study and/or maps are on file at:

Flood Damage Prevention Administrator
Room 125-B
City Hall
30 Church Street
Rochester, New York 14614

C. INTERPRETATION AND CONFLICT WITH OTHER ORDINANCES

This article includes all revisions to the National Flood Insurance Program through October 27, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this article shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this article are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

D. SEVERABILITY

The invalidity of any section or provision of this article shall not invalidate any other section or provision thereof.

E. PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this article and any other applicable regulations. Any infraction of the provisions of this article by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the City of Rochester from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this article for which the developer and/or owner has not applied for and received an approved variance under § 19-6 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

F. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of Rochester, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this article or any administrative decision lawfully made there under.

§ 19-4 ADMINISTRATION

A. DESIGNATION OF THE LOCAL ADMINISTRATOR

The Commissioner of Neighborhood and Business Development or his/her designee is hereby appointed Local Administrator to administer and implement this article by granting or denying floodplain development permits in accordance with its provisions.

B. THE FLOODPLAIN DEVELOPMENT PERMIT

(1) PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 19-3B, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to, plans, in duplicate, drawn to scale and 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.

(2) FEES

All applications for a floodplain development permit shall be accompanied by an application fee of \$250. In addition, the applicant shall be responsible for reimbursing the City of Rochester for any additional costs necessary for review, inspection and approval of this project. The Local

Administrator may require a deposit of no more than \$500 to cover these additional costs.

C. APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the top of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in a Special Flood Hazard Area (SFHA). Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of any new or substantially improved structure to be located in Zones V1-V30, VE, Coastal A, or Zone V if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (3) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (4) A certificate from a licensed professional engineer or architect that any utility flood-proofing will meet the criteria in § 19-5B(3), UTILITIES.
- (5) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 19-5E, NON-RESIDENTIAL STRUCTURES.
- (6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 19-3B, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (7) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (8) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.
- (9) In Zones V1-V30, VE, V, and Coastal A if base flood elevations are available, designs and specifications, certified by a licensed professional engineer or architect, for any breakaway walls in a proposed structure with design strengths in excess of 20 pounds per square foot.
- (10) In Zones V1-V30, VE, V, and Coastal A if base flood elevations are available, for all new and substantial improvements to structures, floodplain development permit applications shall be accompanied by design plans and specifications, prepared in sufficient detail to enable independent review of the foundation support and connection components. Said plans and specifications shall be developed or reviewed by a licensed professional engineer or architect, and shall be accompanied by a statement, bearing the signature of the architect or engineer, certifying

that the design and methods of construction to be used are in accordance with accepted standards of practice and with all applicable provisions of this article.

D. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to, the following:

(1) PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (a) Review all applications for completeness, particularly with the requirements of § 19-4C, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this article.
- (b) Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of § 19-5, CONSTRUCTION STANDARDS, and, in particular, § 19-5A(2), SUBDIVISION PROPOSALS.
- (c) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of § 19-5, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.

- (d) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

(2) USE OF OTHER FLOOD DATA

- (a) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 19-4C(8), as criteria for requiring that new construction, substantial improvements or other proposed development meets the requirements of this article.
- (b) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this article.

(3) ALTERATION OF WATERCOURSES

- (a) Notification to adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (b) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(4) CONSTRUCTION STAGE

- (a) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (b) In Zones V1-V30, VE, V, and Coastal A if base flood elevation data are available, upon placement of the lowest floor of a new or substantially improved structure, the permit holder shall submit to the Local Administrator a certificate of elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns). The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. An elevation certificate must also be submitted for a recreational vehicle if it remains on a site 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (c) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

(5) INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

(6) STOP WORK ORDERS

- (a) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in § 19-3E of this article.
- (b) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this article and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in § 19-3E of this article.

(7) CERTIFICATE OF COMPLIANCE.

- (a) In areas of special flood hazard, as determined by documents enumerated in § 19-3B, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this article.
- (b) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (c) Issuance of the certificate shall be based upon the inspections conducted as prescribed in § 19-4D(5), INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

(8) **INFORMATION TO BE RETAINED**

The Local Administrator shall retain, and make available for inspection, copies of the following:

- (a) Floodplain development permits and certificates of compliance;
- (b) Certifications of as-built lowest floor elevations of structures, required pursuant to § 19-4D(4)(a) and (b), and whether or not the structures contain a basement;
- (c) Floodproofing certificates required pursuant to § 19-4D(4)(a), and whether or not the structures contain a basement;
- (d) Variances issued pursuant to § 19-6, VARIANCE PROCEDURES; and
- (e) Notices required under § 19-4D(3), ALTERATION OF WATERCOURSES.
- (f) Base flood elevations developed pursuant to §19-4C(8) and supporting technical analysis.

§ 19-5 CONSTRUCTION STANDARDS

A. GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 19-3B.

(1) **COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES**

The following requirements apply within V1-V30, VE, V and Coastal A Zones:

- (a) All new construction, including manufactured homes and recreational vehicles on site 180 days or longer and not fully licensed for highway use, shall be located landward of the reach of high tide.
- (b) The use of fill for structural support of buildings, manufactured homes or recreational vehicles on site 180 days or longer is prohibited.
- (c) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

(2) **SUBDIVISION AND DEVELOPMENT PROPOSALS**

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (a) Proposals shall be consistent with the need to minimize flood damage;
- (b) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and
- (c) Adequate drainage shall be provided to reduce exposure to flood damage.
- (d) Proposed development shall not result in physical damage to any other property (e.g., stream bank erosion or increased flood velocities). If requested by the Local Administrator, the applicant shall provide a technical analysis, by a licensed professional engineer, demonstrating that this condition has been met.
- (e) Proposed development shall be designed, located, and constructed so as to offer the minimum resistance to the flow of water and shall be designed to have a minimum effect upon the height of flood water.
- (f) Any equipment or materials located in a special flood hazard area shall be elevated, anchored, and floodproofed as necessary to prevent flotation, flood damage, and the release

of hazardous substances.

- (g) No alteration or relocation of a watercourse shall be permitted unless:
- [1] a technical evaluation by a licensed professional engineer demonstrates that the altered or relocated segment will provide conveyance equal to or greater than that of the original stream segment and will not result in physical damage to any other property;
 - [2] if warranted, a conditional revision of the Flood Insurance Rate Map is obtained from the Federal Emergency Management Agency, with the applicant providing the necessary data, analyses, and mapping and reimbursing the City of Rochester for all fees and other costs in relation to the application; and
 - [3] the applicant provides assurance that maintenance will be provided so that the flood carrying capacity of the altered or relocated portion of the watercourse will not be diminished.

(3) ENCROACHMENTS

- (a) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
- [1] the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
 - [2] the City of Rochester agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Rochester for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Rochester for all costs related to the final map revision.
- (b) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 19-3B, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
- [1] a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or
 - [2] the City of Rochester agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Rochester for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Rochester for all costs related to the final map revisions.
- (c) In a Special Flood Hazard Area (SFHA), if any development is found to increase or decrease base flood elevations, the City of Rochester shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.

B. STANDARDS FOR ALL STRUCTURES

(1) ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(2) CONSTRUCTION MATERIALS AND METHODS

- (a) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (b) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (c) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AO or A, new and substantially improved structures shall have 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, 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 must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

[1] a minimum of two openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

[2] the bottom of all such openings no higher than one foot above grade.

[3] openings not less than three inches in any direction.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

- (d) Within Zones V1-V30, VE, V, and Coastal A if base flood elevation are available, new construction and substantial improvements shall have the space below the lowest floor either free from obstruction or constructed with non-supporting breakaway walls, open wood lattice-work or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. The enclosed space below the lowest floor shall be used only for parking vehicles, building access or storage. Use of this space for human habitation is expressly prohibited. The construction of stairs, stairwells and elevator shafts are subject to the design requirements for breakaway walls.

(3) UTILITIES

- (a) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (b) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (c) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have

openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and

- (d) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) STORAGE TANKS

- (a) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- (b) Above-ground tanks shall be:
 - [1] anchored to prevent floatation, collapse or lateral movement during conditions of the base flood or;
 - [2] installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in § 19-3B plus two feet.

C. RESIDENTIAL STRUCTURES (EXCEPT COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES)

(1) ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in §§ 19-5A(2), SUBDIVISION AND DEVELOPMENT PROPOSALS, and 19-5A(3), ENCROACHMENTS, and § 19-5B, STANDARDS FOR ALL STRUCTURES.

- (a) Within Zones A1-A30, AE, AH if base flood elevation data are available, new construction and substantial improvements shall have the top of the lowest floor (including basement) elevated to or above two feet above the base flood elevation. Within Zones AH adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (b) Within Zone A, when no base flood elevation data are available, a base flood elevation shall be determined by either:
 - [1] Obtain and reasonably use data available from a federal, state, or other source plus two feet of freeboard, or,
 - [2] Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practice, plus two feet of freeboard. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.
- (c) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 19-3B plus one foot of freeboard. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. Within AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

D. RESIDENTIAL STRUCTURES (COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES)

The following standards, in addition to the standards in § 19-5A(1), COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES, and § 19-5A(2), SUBDIVISION AND DEVELOPMENT PROPOSALS, and § 19-5B, STANDARDS FOR ALL STRUCTURES, apply to new and substantially improved residential structures located in areas of special flood hazard shown as Zones V1-V30, VE, V, or Coastal A on the community's Flood Insurance Rate Map designated in § 19-3B.

(1) ELEVATION

New construction and substantial improvements shall be elevated on pilings, columns or shear walls such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor (excluding columns, piles, diagonal bracing attached to the piles or columns, grade beams, pile caps and other members designed to either withstand storm action or break away without imparting damaging loads to the structure) is elevated to or above two feet above base flood elevation so as not to impede the flow of water.

(2) DETERMINATION OF LOADING FORCES

Structural design shall consider the effects of wind and water loads acting simultaneously during the base flood on all building components.

- (a) The structural design shall be adequate to resist water forces that would occur during the base flood. Horizontal water loads considered shall include inertial and drag forces of waves, current drag forces, and impact forces from waterborne storm debris. Dynamic uplift loads shall also be considered if bulkheads, walls, or other natural or man-made flow obstructions could cause wave runup beyond the elevation of the base flood.
- (b) Buildings shall be designed and constructed to resist the forces due to wind pressure. Wind forces on the superstructure include windward and leeward forces on vertical walls, uplift on the roof, internal forces when openings allow wind to enter the house, and upward force on the underside of the house when it is exposed. In the design, the wind should be assumed to blow potentially from any lateral direction relative to the house.
- (c) Wind loading values used shall be those required by the building code.

(3) FOUNDATION STANDARDS

- (a) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist flotation, collapse or lateral movement due to the effects of wind and water pressures acting simultaneously on all building components. Foundations must be designed to transfer safely to the underlying soil all loads due to wind, water, dead load, live load and other loads (including uplift due to wind and water).
- (b) Spread footings and fill material shall not be used for structural support of a new building or substantial improvement of an existing structure.

(4) PILE FOUNDATION DESIGN

- (a) The design ratio of pile spacing to pile diameter shall not be less than 8:1 for individual piles (this shall not apply to pile clusters located below the design grade). The maximum center-to-center spacing of wood piles shall not be more than 12 feet on center under load bearing sills, beams, or girders.
- (b) Pilings shall have adequate soil penetration (bearing capacity) to resist the combined wave and wind loads (lateral and uplift) associated with the base flood acting simultaneously with typical structure (live and dead) loads, and shall include consideration of decreased resistance capacity caused by erosion of soil strata surrounding the piles. The minimum penetration for foundation piles is to an elevation of 5 feet below mean sea level (msl) datum if the base flood elevation (BFE) is +10 msl or less, or to be at least 10 feet below msl if the BFE is greater than +10 msl.
- (c) Pile foundation analysis shall also include consideration of piles in column action from the bottom of the structure to the stable soil elevation of the site. Pilings may be horizontally or diagonally braced to withstand wind and water forces.
- (d) The minimum acceptable sizes for timber piles are a tip diameter of 8 inches for round timber piles and 8 by 8 inches for square timber piles. All wood piles must be treated in accordance with requirements of EPEE-C3 to minimize decay and damage from fungus.
- (e) Reinforced concrete piles shall be cast of concrete having a 28-day ultimate compressive

strength of not less than 5,000 pounds per square inch, and shall be reinforced with a minimum of four longitudinal steel bars having a combined area of not less than 1% nor more than 4% of the gross concrete area. Reinforcing for precast piles shall have a concrete cover of not less than 1 1/4 inches for No. 5 bars and smaller and not less than 1 1/2 inches for No. 6 through No. 11 bars. Reinforcement for piles cast in the field shall have a concrete cover of not less than 2 inches.

- (f) Piles shall be driven by means of a pile driver or drop hammer, jetted, or augered into place.
 - (g) Additional support for piles in the form of bracing may include lateral or diagonal bracing between piles.
 - (h) When necessary, piles shall be braced at the ground line in both directions by a wood timber grade beam or a reinforced concrete grade beam. These at-grade supports should be securely attached to the piles to provide support even if scoured from beneath.
 - (i) Diagonal bracing between piles, consisting of 2-inch by 8-inch (minimum) members bolted to the piles, shall be limited in location to below the lowest supporting structural member and above the stable soil elevation, and aligned in the vertical plane along pile rows perpendicular to the shoreline. Galvanized steel rods (minimum diameter 1/2 inch) or cable type bracing is permitted in any plane.
 - (j) Knee braces, which stiffen both the upper portion of a pile and the beam-to-pile connection, may be used along pile rows perpendicular and parallel to the shoreline. Knee braces shall be 2-by-8 lumber bolted to the sides of the pile/beam, or 4-by-4 or larger braces framed into the pile/beam. Bolting shall consist of two 5/8-inch galvanized steel bolts (each end) for 2-by-8 members, or one 5/8-inch lag bolt (each end) for square members. Knee braces shall not extend more than 3 feet below the elevation of the base flood.
- (5) COLUMN FOUNDATION DESIGN
- (a) Masonry piers or poured-in-place concrete piers shall be internally reinforced to resist vertical and lateral loads, and be connected with a movement-resisting connection to a pile cap or pile shaft.
- (6) CONNECTORS AND FASTENERS
- (a) Galvanized metal connectors, wood connectors, or bolts of size and number adequate for the calculated loads must be used to connect adjoining components of a structure. Toe nailing as a principal method of connection is not permitted. All metal connectors and fasteners used in exposed locations shall be steel, hot-dipped galvanized after fabrication. Connectors in protected interior locations shall be fabricated from galvanized sheet.
- (7) BEAM TO PILE CONNECTIONS
- (a) The primary floor beams or girders shall span the supports in the direction parallel to the flow of potential floodwater and wave action and shall be fastened to the columns or pilings by bolting, with or without cover plates. Concrete members shall be connected by reinforcement, if cast in place, or (if precast) shall be securely connected by bolting and welding. If sills, beams, or girders are attached to wood piling at a notch, a minimum of two (5/8)-inch galvanized steel bolts or two hot-dipped galvanized straps 3/16 inch by 4 inches by 18 inches each bolted with two 1/2 inch lag bolts per beam member shall be used. Notching of pile tops shall be the minimum sufficient to provide ledge support for beam members without unduly weakening pile connections. Piling shall not be notched so that the cross section is reduced below 50%.
- (8) FLOOR AND DECK CONNECTIONS
- (a) Wood 2- by 4-inch (minimum) connectors or metal joist anchors shall be used to tie floor joists to floor beams/girders. These should be installed on alternate floor joists, at a minimum. Cross bridging of all floor joists shall be provided. Such cross bridging may be 1- by 3-inch members, placed 8 feet on-center maximum, or solid bridging of same depth as joist at same spacing.
 - (b) Plywood should be used for subflooring and attic flooring to provide good torsional resistance in the horizontal plane of the structure. The plywood should not be less than (3/4)-inch total thickness, and should be exterior grade and fastened to beams or joists with 8d annular or

spiral thread galvanized nails. Such fastening shall be supplemented by the application of waterproof industrial adhesive applied to all bearing surfaces.

(9) EXTERIOR WALL CONNECTIONS

- (a) All bottom plates shall have any required breaks under a wall stud or an anchor bolt. Approved anchors will be used to secure rafters or joists and top and bottom plates to studs in exterior and bearing walls to form a continuous tie. Continuous 15/32-inch or thicker plywood sheathing--overlapping the top wall plate and continuing down to the sill, beam, or girder--may be used to provide the continuous tie. If the sheets of plywood are not vertically continuous, then 2-by-4 nailer blocking shall be provided at all horizontal joints. In lieu of the plywood, galvanized steel rods of 1/2-inch diameter or galvanized steel straps not less than 1 inch wide by 1/16 inch thick may be used to connect from the top wall plate to the sill, beam, or girder. Washers with a minimum diameter of 3 inches shall be used at each end of the 1/2-inch round rods. These anchors shall be installed no more than 2 feet from each corner rod, no more than 4 feet on center.

(10) CEILING JOIST/RAFTER CONNECTIONS

- (a) All ceiling joists or rafters shall be installed in such a manner that the joists provide a continuous tie across the rafters. Ceiling joists and rafters shall be securely fastened at their intersections. A metal or wood connector shall be used at alternate ceiling joist/rafter connections to the wall top plate.

Gable roofs shall be additionally stabilized by installing 2-by-4 blocking on 2-foot centers between the rafters at each gable end. Blocking shall be installed a minimum of 8 feet toward the house interior from each gable end.

(11) PROJECTING MEMBERS

- (a) All cantilevers and other projecting members must be adequately supported and braced to withstand wind and water uplift forces. Roof eave overhangs shall be limited to a maximum of 2 feet and joist overhangs to a maximum of 1 foot. Larger overhangs and porches will be permitted if designed or reviewed and certified by a registered professional engineer or architect.

(12) ROOF SHEATHING

- (a) Plywood, or other wood material, when used as roof sheathing, shall not be less than 15/32 inch in thickness, and shall be of exterior sheathing grade or equivalent. All attaching devices for sheathing and roof coverings shall be galvanized or be of other suitable corrosion resistant material.
- (b) All corners, gable ends, and roof overhangs exceeding six inches shall be reinforced by the application of waterproof industrial adhesive applied to all bearing surfaces of any plywood sheet used in the sheathing of such corner, gable end, or roof overhang.
- (c) In addition, roofs should be sloped as steeply as practicable to reduce uplift pressures, and special care should be used in securing ridges, hips, valleys, eaves, vents, chimneys, and other points of discontinuity in the roofing surface.

(13) PROTECTION OF OPENINGS

- (a) All exterior glass panels, windows, and doors shall be designed, detailed, and constructed to withstand loads due to the design wind speed of 75 mph. Connections for these elements must be designed to transfer safely the design loads to the supporting structure. Panel widths of multiple panel sliding glass doors shall not exceed three feet.

(14) BREAKAWAY WALL DESIGN STANDARDS

- (a) The breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot, with the criterion that the safety of the overall structure at the point of wall failure be confirmed using established procedures. Grade beams shall be installed in both directions for all piles considered to carry the breakaway wall load. Knee braces are required for front row piles that support break-away walls.

- (b) Use of breakaway wall strengths in excess of 20 pounds per square foot shall not be permitted unless a registered professional engineer or architect has developed or re-viewed the structural design and specifications for the building foundation and breakaway wall components, and certifies that (1) the breakaway walls will fail under water loads less than those that would occur during the base flood; and (2) the elevated portion of the building and supporting foundation system will 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 used shall be those associated with the base flood. Wind loading values shall be those required by the building code.

E. NON-RESIDENTIAL STRUCTURES (EXCEPT COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES)

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in § 19-5A(2), SUBDIVISION AND DEVELOPMENT PROPOSALS, § 19-5A(3), ENCROACHMENTS, and § 19-5B, STANDARDS FOR ALL STRUCTURES:

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:
 - (a) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (b) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood elevation must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus two feet (at least three feet if no depth number is specified); or
 - (b) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 19-5E(1)(b).
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of § 19-5E(1)(b), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

F. NON-RESIDENTIAL STRUCTURES (COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES)

- (1) In Zones V1-V30, VE, V, and Coastal A if base flood elevations are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall have the bottom of lowest member of the lowest floor elevated to or above

two feet above the base flood elevation. Floodproofing of structures is not an allowable alternative to elevating the lowest floor to two feet above the base flood elevation in Zones V1-V30, VE, V, and Coastal A.

G. MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards, in addition to the standards in § 19-5A, GENERAL STANDARDS, and § 19-5B, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard:

- (1) Recreational vehicles placed on sites within Zones A, A1-A30, AE, AH, AO, V1-V30, V, and VE shall either:
 - (a) be on site fewer than 180 consecutive days,
 - (b) be fully licensed and ready for highway use, or
 - (c) meet the requirements for manufactured homes in § 19-5G(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) Within Zones A1-A30, AE, AH, the bottom of the frame of the manufactured home shall be elevated to meet the requirements of § 19-5C(1)(a). Elevation on piers consisting of dry stacked blocks is prohibited
- (3) Within Zone A, the bottom of the frame of the manufactured home shall be elevated to meet the requirements of § 19-5C(1)(b). Elevation on piers consisting of dry stacked blocks is prohibited.
- (4) Within Zone AO, the bottom of the frame of the manufactured home shall be elevated to meet the requirements of § 19-5C(1)(c). Elevation on piers consisting of dry stacked blocks is prohibited.
- (5) Within V or VE, manufactured homes must meet the requirements of § 19-5D.
- (6) The foundation and anchorage of manufactured homes to be located in identified floodways shall **be designed and constructed in accordance with ASCE 24.**

H. ACCESSORY STRUCTURES INCLUDING DETACHED GARAGES

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 19-3B.

- (a) The accessory structure must meet the definition of structure, for floodplain management purposes, provided in 44 CFR § 59.1, where walled and roofed shall be interpreted as having two outside rigid walls and a fully secured roof.
- (b) The accessory structure should be small, as defined by the community and approved by FEMA, and represent a minimal investment. Accessory structures of any size may be considered for a variance; however, FEMA considers accessory structures that meet the following criteria to be small and therefore not necessarily in need of a variance, if the community chooses to allow it:
 - [1] Located in an A Zone (A, AE, A1-A30, AR, A99) and less than or equal to the size of a one-story, two-car garage.
 - [2] Located in a V Zone (V, VE, V1-V30) and less than or equal to 100 square feet.

- (c) Accessory structures must meet the standards of § 19-5B(1), ANCHORING.
- (d) The portions of the accessory structure located below base flood elevation (BFE) plus two feet of freeboard must be constructed with flood-resistant materials.
- (e) Mechanical and utility equipment for the accessory structure must be elevated or dry floodproofed to or above BFE plus two feet of freeboard.
- (f) Within Zones AO and Zone A, if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
- (g) The accessory structure must comply with the floodway encroachment provisions of the NFIP.
- (h) The accessory structure must be wet floodproofed to protect the structure from hydrostatic pressure. The design must meet the National Flood Insurance Program (NFIP) design and performance standards for openings per 44 CFR § 60.3(c)(5) and must allow for the automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons).
- (i) Within Zones V1-V30, VE, V, and Coastal A, unelevated accessory buildings must be unfinished inside, constructed with flood-resistant materials, and used only for storage. When an accessory building is placed in these zones, the design professional must determine the effect that debris from the accessory building will have on nearby buildings. If the accessory building is large enough that its failure could create damaging debris or divert flood flows, it must be elevated above the base flood elevation plus two feet.

§ 19-6 VARIANCE PROCEDURES

A. APPEALS BOARD

- (1) The City Planning Commission as established by the City of Rochester shall hear and decide appeals and requests for variances from the requirements of this article.
- (2) The City Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this article.
- (3) Those aggrieved by the decision of the City Planning Commission may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the City Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

- (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (k) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (l) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of § 19-6A(4) and the purposes of this article, the City Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- (6) The Local Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

B. CONDITIONS FOR VARIANCES.

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of on-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing the items in § 19-6A(4)(a) to (i) have 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 repair or rehabilitation of historic structures upon determination that:
- (a) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (b) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
- (a) the criteria of Subsection B(1), (4), (5), and (6) of this Section are met; and
 - (b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
- (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, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
- (a) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (b) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in § 19-4D(8) of this article.

Section 3. This local law shall take effect upon its filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law.

INTRODUCTORY NO.

299

Ordinance No.

Deleting Chapter 56 and revising Section 120-192 of the Municipal Code with regard to Flood Damage Prevention

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 56 of the Municipal Code, Flood Damage Prevention, is hereby revoked and annulled in its entirety.

Section 2. Subsection B(3)(d) of Section 120-192 of the Municipal Code, Procedures approved by the Planning Commission, is hereby revised to read as follows:

- (d) For special permit applications for any development within a floodplain requiring relief from ~~Chapter 56, Flood Damage Prevention~~ Article XIX of the City Charter, Flood Damage Prevention, the Planning Commission shall also weigh the considerations set forth in ~~§ 56-6, Variance procedure~~ § 19-6, Variance Procedures.

Section 3. This ordinance shall take effect on the effective date of a local law that enacts Article XIX, Flood Damage Protection, of the City Charter.

Strikeout indicates deleted text, new text is underlined