

**Title 11 - WATER, SEWER AND ELECTRICITY CODE**  
**Chapter 1150**  
**Floodplain Management**

**1150.01 Purpose.**

The purpose of this chapter is to promote the public health, safety and general welfare of the city of Columbus by lessening flood damage to persons and property and by reducing public expenditures for flood relief and flood control projects. To secure this degree of safety from flooding and damages of flooding, the objectives of this chapter are to assure the retention of sufficient natural floodway area to convey flood flows; to designate a minimum flood protection elevation; to reduce the height and violence of floods insofar as such are increased by any floodway obstruction; to assure the proper floodproofing of buildings, structures, or uses subject to flooding; to assist in identifying special flood hazard for potential occupiers and to assure that future occupiers of the floodplain assume responsibility for so locating.

**1150.03 Definitions.**

For the purpose of flood plain development only, the following terms, phrases, words and their derivations have the meaning given herein. Other terms used in this chapter may be defined elsewhere in this code. For the purpose of flood plain development only, where a conflict occurs, the most restrictive definition takes precedence.

Where not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular include the plural number.

"Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average 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" [See: "Special Flood Hazard Area".]

"Base flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one hundred (100) year flood.

"Base flood elevation" means the projected water surface level, measured from mean sea level, at any given point in a base flood.

"Basement" means any area of the building having its floor sub grade (below ground level).

"Director" means the Directors of the Department of Public Utilities or his or her designee.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

"Federal Emergency Management Agency" or "FEMA" means the agency with the overall responsibility for administering the National Flood Insurance Program.

"Fill" means a deposit of earth material placed by artificial means.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry areas from the overflow of a watercourse, or the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood plain" or "100-year flood plain" [See: "Special Flood Hazard Area".]

"Flood profile" means any one or all of the cross-sectional profiles of the water surface elevations for the base flood (base flood elevations) along watercourses, as delineated on the Flood Insurance Rate Map and the Flood Insurance Study.

"Flood Insurance Rate Map" or "FIRM" means an official map on which the Federal Emergency Management Agency or the U. S. Department of Housing and Urban Development has delineated the Special Flood Hazard Areas.

"Flood Insurance Study" or "FIS" means the official report in which the Federal Emergency Management Agency or the U. S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.

"Floodproof" means any structural feature, addition, change or adjustment to a building, structure or property primarily for the reduction or elimination of flood damage to properties, water and sanitary facilities, buildings, structures and contents of buildings.

"Flood protection elevation" means that elevation not less than one and a half (1½) feet above the base flood elevation to which uses regulated by the flood plain development regulations are required to be elevated or floodproofed.

"Floodway" means that portion of the "Special Flood Hazard Area," excluding the "floodway fringe," which is the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the "base flood" without cumulatively increasing the water surface elevation by more than one-half (1/2) foot.

[Note: Floodways are delineated on the Flood Boundary and Floodway Map, or on the Flood Insurance Rate Map or profiled in the Flood Insurance Study. Floodways may also be delineated in other sources of flood information.]

"Floodway fringe" means that portion of the "Special Flood Hazard Area," excluding the "floodway," which is subject to inundation by the "base flood" in which development may occur.

"Floodway obstruction" means any object in, along, across, or projecting into any portion of the floodway which may impede, retard, or change the direction of the flow of water, either in and of itself or by catching or collecting waterborne debris, or that is placed where the flow of water would carry the same downstream to the damage or detriment of life or property.

"Historic Structure" means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U. S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- 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 the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
- D. Individually listed on the inventory of historic places maintained by the Columbus Register of Historic Properties whose historic preservation program has been certified by the Ohio Historic Preservation Office.

"Lowest floor" means the lowest level of the lowest enclosed area, including basement or crawlspace, of a building or structure. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is built in accordance with the applicable design requirements specified in the Columbus City Codes for enclosures below the lowest floor.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle." For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

"Manufactured home park" means, as specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation, are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

"New construction" means a structure for which the "start of construction" commenced on or after the initial effective date of the city of Columbus, Ohio, Flood Insurance Rate Map, and includes any subsequent improvements to such structures.

"Recreational vehicle" means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Recurrence interval" means the average interval of time, based upon a statistical analysis of actual or representative stream flow records, which can be expected to elapse between floods equal to or greater than a specified flood.

"Special Flood Hazard Area" means a river or other watercourse and its adjacent area subject to inundation by the "base flood." A "Special Flood Hazard Area" is also known as a "flood plain" or "100-year flood plain" and is composed of the "floodway" and the "floodway fringe." Special Flood Hazard Areas are designated by the Federal Emergency Management Agency as either Zone A, AE, AH, AO, A1-30, or A99. "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date.

The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

"Structure" means:

- A. A building or any structure having a roof supported by columns or walls, or any series of structures separated only by "fire separations" but contained under a common roof or within common walls, and requiring a building permit in accordance with Title Forty-One of the Building Code that is used for shelter, occupancy, enclosure, or support of persons, animals, or property; or
- B. A combination of materials, other than a building, to form a construction that is safe and stable including, but not limited to, stadiums, gospel or circus tents, reviewing stands, platforms, staging, observation towers, sheds, coal bins, above grade gas or liquid storage tanks, or fences in excess of six (6) feet in height.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the fair market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the fair market value of the structure before the damage occurred.

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

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, safety and building code specifications which have been identified by the applicable code enforcement official, prior to the application for a development permit and which are the minimum necessary to assure safe living conditions;
- B. Any alteration of an "historic structure" provided that the alteration shall not preclude the structure's continued designation as an "historic structure;" or
- C. Any improvement to a structure that is considered "new construction."

"Variance" means a grant of relief from the standards of these regulations consistent with the variance conditions herein.

"Violation" means the failure of a structure or other development to be fully compliant with these regulations.

#### **1150.05 Methods of reducing flood losses.**

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to flooding, or which result in damaging increases in erosion, in flood heights or in flood water velocity;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage;

- C. Controlling the alteration of flood plains, watercourse channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling the filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which shall unnaturally divert flood waters or which may increase flood hazards in other areas.

**1150.07 Applicability of flood plain development regulation.**

- A. The Floodplain Development Regulations apply to all Special Flood Hazard Areas within the jurisdiction of the city of Columbus, Ohio, as identified by the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development including any additional special flood hazard areas annexed by the city of Columbus, Ohio.
- B. No structure or land shall be altered, constructed, converted, enlarged, extended, located, reconstructed, or repaired except in full compliance with the terms of the floodplain regulations of the Columbus City Codes and all other applicable regulations which apply to uses within the jurisdiction of this chapter, unless specifically exempted from filing for a flood development permit as stated in this chapter.
- C. The provisions of this chapter are not intended to abrogate, impair, or repeal any existing covenants, deed restrictions, or easements. However, where the provisions of this chapter conflict with any other regulation or legal requirement, whichever imposes the more stringent restrictions shall prevail.
- D. In the interpretation and application of this chapter all provisions are:
  - 1. Considered as minimum requirements;
  - 2. Liberally construed in favor of the governing body; and
  - 3. Deemed neither to limit nor repeal any other powers granted under local code or state statutes.

**1150.09 Data use and map interpretation**

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Director shall review and reasonably utilize any other flood hazard data available from a federal, state or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Director.
- C. When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:
  - 1. Upon the issuance of a letter of final determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
  - 2. Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
- D. The Director shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard.
- E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

**1150.11 Basis for establishing the Special Flood Hazard Areas.**

The special flood hazard areas have been identified by the Federal Emergency Management Agency in scientific and engineering reports entitled "Flood Insurance Study, Franklin County, Ohio and Incorporated Areas", dated June 17, 2008, "Flood Insurance Study", Delaware County, Ohio, and Incorporated Areas" dated April 16, 2009, and the "Flood Insurance Study, Fairfield County, Ohio and Unincorporated Areas" dated September 19, 2007. These studies, or successor studies, with accompanying Flood Boundary and

Floodway Maps and/or Flood Insurance Rate Maps (FIRM), and any revisions thereto are hereby adopted by reference and declared to be part of the Columbus City Codes. These flood insurance studies are on file with the Department and are available for public inspection.

**1150.13 Alteration of boundaries.**

The Director shall notify FEMA in writing as to changes in the boundaries of the city of Columbus that have been modified by annexation or where the city has assumed authority over an area or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

**1150.15 Use of other base flood elevation and floodway data.**

Special flood hazard areas where base flood elevation data have not been provided by the Federal Emergency Management Agency are designated as Zone A on the Flood Insurance Rate Map. Within these areas, the Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data obtained under other provisions of this chapter; and where floodway data are available, administer all of the provisions of the Columbus City Codes.

All activities, development, and/or uses proposed in special flood hazard areas where the flood insurance study provides base flood elevation data as set forth in this chapter, but no floodways have been designated, shall be reviewed and approved before a Special Flood Hazard Area Development and Use Permit is issued. The certificate shall only be issued after it is demonstrated that the cumulative effect of any proposal, combined with all other existing and anticipated activities, development, and/or uses shall not increase the water surface elevation of the base flood more than one-half (1/2) foot at any point.

**1150.17 Duties of the Director pertaining to floodplain development regulations.**

The Director shall grant or deny approval in accordance with all provisions of the Columbus City Codes. The duties and responsibilities include:

- A. Review applications to determine that requirements of this Columbus City Code have been satisfied;
- B. Reviewing applications to assure that they contain the necessary permits from authorized federal, state or local governmental reviewing agencies. It is the applicant's responsibility for obtaining the necessary permits.
- C. Reviewing applications to determine if the proposed development is located within a designated floodway and assure that encroachment provisions of this chapter are met for development proposed in the floodway.
- D. Causing the inspection by an applicant of development projects before, during, and after construction to ensure compliance with all provisions of the Columbus City Codes.
- E. Causing the notification, by an applicant, of adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submitting evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered altered if any change occurs within its banks.
- F. Maintaining submitted engineering documentation that the flood carrying capacity of the altered or relocated portion of said watercourse shall not be diminished.
- G. Requiring the maintenance necessary to assure the flood carrying capacity of altered or relocated portions of watercourses is not diminished.
- H. Using elevations delineated in the flood elevation profile from the Flood Insurance Study, interpret special flood hazard area boundary locations in instances of conflict between mapped boundaries and actual field conditions.

**1150.19 Activities, development and uses in the floodway.**

Only one or more of the following activities may be allowed in the floodway fringe, provided it complies with all standards of the Columbus City Codes:

- A. Reforestation, wetland restoration or banking, and conservation projects;
- B. Recreation trails, passive recreational use, and access thereto;
- C. Bridges when constructed above the flood protection elevation or as approved by FEMA, storm water outfall, underground utility crossings, streets and railroads not requiring fill, and stream crossings;
- D. Temporary construction activity only for the maintenance and/or repair of permitted activities, development, and/or uses; and

Within the floodway, no building, structure or premises shall be used, and no building or structure shall be erected which is designed to be used for human habitation.

**1150.21 Standards and requirements for activities, development and uses in the floodway.**

A. Any activity, development, and/or uses specified in C.C. Section 1150.19 shall comply with all applicable flood hazard reduction provisions of the Columbus City Codes, and also shall be designed to:

1. Have low flood damage potential;
2. Be located as far to the outside of the floodway as possible;
3. Be aligned so as to minimize its potential as a floodway obstruction;
4. Minimize the barrier effect of items such as fences and walls; and
5. Minimize disturbance to the terrain.

B. A person seeking to do any activity, development, or initiate a use specified in C.C. Section 1150.19 that would not result in an increase in base flood elevations during the occurrence of the base flood discharge shall first submit the following minimum documentation for review and approval before a Special Flood Hazard Area Development and Use Permit is issued:

1. A plan detailing the activity, development, and/or use, which shall receive approval by the respective city department staff reviewer; and
2. A hydrologic and hydraulic analysis performed by a certified or registered professional engineer in accordance with standard engineering practices demonstrating that an increase in base flood elevations during the occurrence of the base flood discharge would not result.

C. A person seeking to do any activity, development, and/or use specified in C.C. Section 1150.19 that would result in an increase in base flood elevations during the occurrence of the base flood discharge shall first submit the following minimum documentation for review and approval before a Special Flood Hazard Area Development and Use Permit is issued:

1. Documentation that the activity, development, and/or use, has been approved by the Federal Emergency Management Agency. Such requests and associated documentation shall also be submitted to the Director. All requests shall be submitted in the manner prescribed by the Federal Emergency Management Agency and shall meet requirements of the National Flood Insurance Program;
2. A hydrologic and hydraulic analysis performed by a certified or registered professional engineer in accordance with standard engineering practices demonstrating what increase in base flood elevations during the occurrence of the base flood discharge would result;
3. An evaluation of alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible and a certification that no structures are located in areas which would be impacted by the increased base flood elevation.

**1150.23 Standards and requirements for activities, development and uses in the floodway fringe.**

Only one or more of the following activities may be allowed in the floodway fringe, provided it complies with all standards of the Columbus City Codes. In floodway fringe areas where base flood elevation data are not available from any source, identified as Zone AO on the Flood Insurance Rate Map, the lowest floor of any new construction or substantial improvement of any building or structure shall be elevated at least 2 feet above the highest adjacent natural grade.

A. An existing or new building, structure or development that is entirely within or partially within the floodway fringe shall be used as specified by the underlying zoning district and in accordance with the following specifications:

1. Residential new construction, or substantial improvement of an existing residential building shall be elevated such that the lowest floor is equal to or above the flood protection elevation for the site. A residential building shall have a means of ingress and egress to land outside the flood plain that is equal to or above the base flood elevation and substantial enough for pedestrian access during a base flood within the subject site.
2. Commercial, manufacturing, and other new construction, or substantial improvement of any building, structure, or appurtenant work shall:
  - a. Be elevated such that the lowest floor or level is equal to or above the flood protection elevation for the site; or
  - b. Together with attendant utility and sanitary facilities, shall be certified as floodproofed as provided in the Columbus Building Code to a point equal to or above the flood protection elevation.Accessory land uses such as yards and parking lots may be at lower elevations.

3. New public streets shall be at a point equal to or above the flood protection elevation, or in developed areas shall meet the maximum elevation already established. Resurfacing and replacement of pavement sections is permitted to maintain the existing elevations.
  4. Pipes, railroads, transmission lines, pipes, well fields and related facilities must be elevated to a point equal to or above the flood protection elevation where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area.
  5. Storage of material that, in time of flooding, is buoyant, flammable, explosive, or could be injurious to human, animal or plant life shall be stored at or above the flood protection elevation, floodproofed, or protected by structural measures consistent with the standards set forth in the Columbus Building Code.
  6. Utilities water supply system or sanitary sewage system shall be designed to minimize or eliminate infiltration of flood waters into the system. Any new or replacement sanitary sewage system shall also be designed to minimize discharge from the system into flood waters. An on-site waste disposal system shall be located so as to avoid impairment to it or contamination from it during flooding.
- B. An accessory structure, including but not limited to arage, storage building, or deck may be constructed in the foodway fringe below the flood protection elevation and without dry flood proofing provided the accessory structure:
1. Is in compliance with the provisions of the underlying zoning district;
  2. Is constructed of flood resistant materials;
  3. Is constructed with approved openings and located to minimize resistance to floodwater flow;
  4. Is firmly anchored to prevent flotation;
  5. Is designed in accordance with the Columbus Building Code;
  6. Is not used for human habitation;
  7. Does not contain more than 720 square feet of gross floor area; and
  8. Has all service facilities including electrical, heating and mechanical equipment elevated or floodproofed to or above the base flood elevation.

#### **1150.25 Fill and Grading in the floodway fringe.**

Filling may be allowed in the floodway fringe only after receiving approval of a grade and fill plan associated with a Special Flood Hazard Area Development and Use Permit. The grade and fill plan shall be fully detailed and submitted as part of an application for a Special Flood Hazard Area Development and Use Permit. Fill shall not be placed until after the Special Flood Hazard Area Development and Use Permit has been issued for grading and filling.

Regardless of any determination issued by FEMA to remove an area filled as permitted and approved from the designated Special Flood Hazard Area (SFHA), development within that area of fill shall be constructed with the lowest floor level, excluding a basement or crawl space, at or above the flood protection elevation. The lowest grade adjacent to a building or structure to be constructed within the designated fill area shall be at or above the flood protection elevation, with that grade elevation to extend at least twenty (20) feet from the building towards the floodway or flooding source.

In addition, a residential dwelling within the designated fill area must have a means of ingress and egress at or above the base flood elevation that extends continuously from the dwelling to a location outside the special flood hazard area within the subject site.

#### **1150.27 Special Flood Hazard Area Development and Use Permit required for development in special flood hazard areas.**

A Special Flood Hazard Area Development and Use Permit shall be required prior to the commencement of any activity, development and/or use in special flood hazard areas.

#### **1150.29 Application for a certificate a Special Flood Hazard Area Development and Use Permit.**

An application shall be submitted to the Department. The application shall contain at least the following documentation, certified by a professional engineer or architect registered in the state of Ohio, in addition to that required by this code:

- A. A current survey of the property with a maximum contour interval of two (2) feet, which shall be submitted on a base map plotted at the same scale as the site plan. A smaller contour interval may be required to accurately delineate the floodway and floodway fringe boundaries and base flood elevation data with direction to flooding source;

B. In addition to the information provided for a building permit, the following information shall be provided where base flood elevation data are utilized within special flood hazard areas designated on the Flood Insurance Rate Maps as a flood hazard district, regardless of the data source:

1. The area, depth, location and quantity of all proposed fill and/or excavation,
2. The actual elevation in relation to mean sea level of the lowest floor of all proposed buildings and structures located in special flood hazard areas,
3. Specifications for building construction and materials and floodproofing procedures as required by the Columbus City Codes,
4. The location and description of existing or proposed storage of materials,
5. The location and description of existing and proposed drainage facilities,
6. For each new construction or substantial improvement of a building or structure, verify and record the actual elevation (in relation to mean sea level) to which the building or structure is to be floodproofed and maintain the floodproofing certification required,
7. Certification by a registered professional engineer or architect that the proposed flood proofing methods for any building or structure meets the floodproofing criteria of the Columbus City Codes through the use of the floodproofing certificate,
8. Description of the extent to which any watercourse shall be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse shall not be diminished,
9. Any additional information deemed necessary for the project review.

C. For development proposed within the floodway, the following additional information may be requested by the Director for review by an approved technical institute or other governmental agency as set forth in C.C. 1150.31 for development proposed within the floodway:

1. A representative cross-section of the flood plain perpendicular to the direction of flow, showing the usual channel of the watercourse and the elevation of land areas adjoining each side of the channel of the watercourse within the designated flood plain;
2. Photographs of the site topography, looking both upstream and downstream from the development site, which show the usual channel and adjacent areas within the flood plain;
3. Locations and descriptions of any existing or proposed floodway obstruction in the vicinity of the site
4. Any additional information deemed necessary for the project review.

#### **1150.31 Information to be obtained and maintained by the department.**

Where base flood elevation data are utilized within special flood hazard areas on the city of Columbus' Flood Insurance Rate Map, regardless of the data source, the Director shall maintain records submitted by the applicant as follows:

A. For all new or substantially improved residential structures, obtain and record the actual elevations in relation to mean sea level of the lowest floor, including basement and record whether or not such structures contain an enclosure below the lowest floor;

B. For all new or substantially improved nonresidential structures:

1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and

2. Maintain the floodproofing certificates required by City Code; and

C. For all structures, maintain all records pertaining to the provisions of this chapter, including Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, Conditional Letters of Map Revision, Letters of Map Revision, Letters of Map Amendment, as-built elevations, base flood elevation data, exemptions and variance documentation.

#### **1150.33 Exemptions in the floodway fringe.**

An exemption may be issued by the Director for the reconstruction, rehabilitation or restoration to improve an existing building or structure in the floodway fringe if:

A. The project cost is less than fifty (50) percent of the market value of the structures as documented by submission of a licensed contractor's or occupying home owner's written estimate for the project's cost and either a certified appraisal by a licensed appraiser of the market value of the structure or the appropriate county auditor's office market figure.

B. The project is being undertaken to correct existing violations of state or local health, sanitary, safety, and building codes as identified by the Department, prior to the development permit application and which are the minimum necessary to assure safe living conditions. This requires submission of:

1. The documentation required in part A. of this section; and
2. A copy of the applicable code order.

C. The project involves reconstruction, rehabilitation, or restoration of a designated historic structure. This requires the submission of:

1. The documentation required in part A. of this section; and
2. A statement from the city of Columbus Historic Preservation Office that the structure is listed on the Columbus Register of Historic Properties or a statement from the Ohio Historic Preservation Office that the structure is listed on the National Register of Historic Places, State Registry of Archaeological Landmarks, State Registry of Architectural Landmarks, or State Inventory of Historic Places.

Written notice shall be given to an applicant to whom an exemption is granted stating that the project shall be permitted but the cost of flood insurance shall be commensurate with the increased risk resulting from the reduced floor elevation.

### **1150.35 Variances to the required flood protection elevation.**

The Columbus Building Commission, as established under the Columbus Building Code, Title 41, is hereby empowered to hear and decide requests for variances to the provisions of this code for a site located within a Special Flood Hazard Area and may grant a variance for construction below the flood protection elevation only upon determination that:

A. For variance requests in the floodway fringe:

1. The variance is the minimum necessary to afford relief;
2. There is good and sufficient cause for the variance;
3. The failure to grant a variance would result in an exceptional hardship to the applicant;
4. The variance shall not result in increased base flood levels;
5. The variance shall not result in any additional threat to public safety, extraordinary public expense, creation of a nuisance, create fraud on or victimize the public, or conflict with existing city codes or ordinances;
6. The activity, development, and/or use is protected by methods to minimize flood damage; and
7. All conditions listed in subsection C. of this section are addressed.

B. For variance requests in the floodway:

1. All conditions listed in subsections A. and C. of this section are addressed; and
2. Prior approval by FEMA is included if the activity, development, and/or use would result in an increase in base flood levels.

C. All required technical evaluations, relevant factors, and standards specified in this code are submitted in a report form to address:

1. The danger that materials may be swept onto other lands;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The safety of vehicular access to the property in times of flood for ordinary and emergency vehicles;
5. The costs of providing governmental services during and after floods including maintenance and repair of public utilities and facilities such as electrical, gas, sewer, and water systems; streets and bridges;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the city sanctioned plans and flood plain management programs for that area;
9. The importance of the services provided by the proposed facility to the city;
10. The necessity to the facility of a waterfront location, where applicable; and
11. The expected heights, velocity, duration, rate of rise, and sediment transport of floodwaters and the effect of wave action, if applicable, expected at the site.

The Director may request other data and documentation as a condition to the granting of a variance to flood plain development regulations, as he deems necessary to further the purpose of this chapter and to assure compliance with other city codes.

Written notice shall be given to an applicant to whom a variance is granted stating that construction shall be permitted with a lowest floor elevation below the flood protection elevation but the cost of flood insurance shall be commensurate with the increased risk resulting from the reduced floor elevation.

**1150.37 Manufactured homes and recreational vehicles.**

The following standards apply to all new and substantially improved manufactured homes not subject to the manufactured home park requirements of the Ohio Revised Code and all recreational vehicles that are either located on sites for one hundred eighty (180) days or more, or are not fully licensed and ready for highway use, that are located in a special flood hazard area:

- A. Shall be permitted and anchored in accordance with the provisions of the Columbus Building Code.
- B. Shall be elevated on a permanent foundation such that the lowest floor is at or above the flood protection elevation.
- C. Shall meet all other requirements for residential structures.

**1150.39 Warning and disclaimer of liability.**

The degree of flood protection required by the Columbus City Codes is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can occur on rare occasions. Flood height may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazard areas or activities, development and/or uses permitted within such areas shall be free from flooding or flood damage. This chapter does not create liability on the part of the City, any officer or employee thereof or the Federal Insurance Administration, for any flood damage that results from reliance on this chapter or any lawfully made administrative decision or variance granted by the Columbus Building Commission.

**1150.41 Enforcement.**

The Director shall investigate all complaints, issue notices of violation and orders for relief, and enforce the provisions of this chapter.

The Director may, at any time, during or after action on application for a Special Flood Hazard Area Development and Use Permit, physically examine the site and any building, structure or development in the flood plain for compliance with this chapter.

**1150.43 Legal action.**

Whenever the director finds that any person has violated the provisions or intent of this chapter, the director may seek from a court of competent jurisdiction, injunctive relief against said person. The director may seek other civil action to collect any administrative fines, and to seek civil penalties and damages provided for by this chapter. The director may refer any violation of this chapter to the city prosecutor for criminal prosecution.

**1150.45 Civil penalty.**

Any person who negligently violates, or continues to negligently violate any provision of this chapter shall pay a civil penalty of not more than twenty-five thousand dollars (\$25,000.00) for each violation. Each day or portion thereof during which such a violation occurs shall be considered a separate violation.

**1150.47 Criminal penalty.**

Any person who recklessly violates, or continues to recklessly violate any provision of this chapter shall be deemed guilty of a misdemeanor of the first degree and fined an amount not to exceed five thousand dollars (\$5,000.00) or imprisonment for not more than six (6) months or by both. Each day, or portion thereof, when a violation occurs, shall be considered a separate offense. Upon the second or subsequent conviction for any violation of this chapter, the offender shall be fined an amount of not less than one thousand dollars (\$1,000.00), and not to exceed five thousand dollars (\$5,000.00) in addition to any imprisonment provided under this section.