

CHAPTER 1127
OFP Flood Plain Overlay District

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1127.01 STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE AND OBJECTIVES.

(a) **Statutory authorization.** ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Commission of the City of Springfield, State of Ohio, does ordain as follows:

(b) **Findings of fact.**

- (1) The flood hazard areas of the city are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) Uses that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss.

(c) **Statement of purpose.** It is the purpose of this chapter 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) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(d) **Methods of reducing flood losses.** In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

1127.02 DEFINITIONS.

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

- (a) (1) **Accessory structure** means a structure on the same lot with and of a nature customarily incidental and subordinate to the principal structure.
- (2) **Appeal** means a request for review of the Community Development Director or his designee's interpretation of any provision of this chapter or a request for a variance.
- (3) **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.
- (4) **Area of special flood hazard** means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99.
- (b) (1) **Base flood** means the flood having a one 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.
- (2) **Basement** means any area of the building having its floor (below ground level) on all sides.
- (c) Reserved.
- (d) (1) **Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (e) Reserved.
- (f) (1) **Federal Emergency Management Agency (FEMA)** means the agency with the overall responsibility for administering the National Flood Insurance Program.

- (2) **Flood** or **flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (A) the overflow of inland or tidal waters, and/or
 - (B) the unusual and rapid accumulation or runoff of surface waters from any source.
- (3) **Flood Insurance Rate Map (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 areas of special flood hazard.
- (4) **Flood Insurance Study** 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, and floodway boundaries, and the water surface elevations of the base flood.
- (5) **Floodway** means 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 one (1) foot.
- (g) Reserved.
- (h) (1) **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 City of Springfield whose historic preservation program has been certified by the Ohio Historic Preservation Office.
- (i) Reserved.
- (j) Reserved.
- (k) Reserved.
- (l) (1) **Lowest floor** means the lowest floor of the lowest enclosed area (including basement). 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 this chapter for enclosures below the lowest floor.
- (m) (1) **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".
- (2) **"Manufactured home park"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Ohio Public Health Council has exclusive rule making power.

- (3) **Manufactured home subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Ohio Public Health Council has exclusive rule making power.
- (n) (1) **New construction** means structures for which the "start of construction" commenced on or after the initial effective date of the City's Flood Insurance Rate Map, and includes any subsequent improvements to such structures.
- (o) Reserved.
- (p) Reserved.
- (q) Reserved.
- (r) (1) **Recreational vehicle** means a vehicle which is (A) built on a single chassis, (B) 400 square feet or less when measured at the largest horizontal projection, (C) designed to be self-propelled or permanently towable by a light duty truck, and (D) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (s) (1) **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 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.
- (2) **Structure** means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (3) **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 50 percent of the 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 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
- (4) **Substantial improvement** means 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. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:
 - (A) 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

- prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- (B) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
 - (C) Any improvement to a structure which is considered new construction.
- (t) Reserved.
 - (u) Reserved.
 - (v) (1) **Variance** means a grant of relief from the standards of this chapter consistent with the variance conditions herein.
 - (2) **Violation** means the failure of a structure or other development to be fully compliant with this chapter.

1127.03 GENERAL PROVISIONS.

(a) **Lands to which this chapter applies.** This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City as identified by the Federal Emergency Management Agency referenced in Section 1127.03(b), including any additional areas of special flood hazard annexed by the City.

(b) **Basis for establishing the areas of special flood hazard.** The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the City of Springfield, Ohio." This study, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated December 3, 1987, and, for areas annexed by the City, the "Flood Insurance Study for Clark County, Ohio (Unincorporated areas)," with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated July 2, 1987. These studies and maps, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the Community Development Department, 76 East High Street, Springfield, Ohio.

(c) **Compliance.** No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter, unless specifically exempted from filing for a development permit as stated in Section 1127.04(b).

(d) **Abrogation and greater restrictions.** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

- (e) **Interpretation.** In the interpretation and application of this chapter, all provisions shall be:
- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body to accomplish the regulation's intended purpose; and,
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of this chapter is in conflict with a state law, such state law shall take precedence over the chapter.

(f) **Warning and disclaimer of liability.** The degree of flood protection required by this chapter 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 chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

1127.04 ADMINISTRATION.

(a) **Establishment of development permit.** A Development Permit shall be obtained from the Director of Community Development or his designee before construction or development begins within any area of special flood hazard established in Section 1127.03(b). Application for a Development Permit shall be made on forms furnished by the Director of Community Development and may include, but not be limited to: site specific topographic plans drawn to scale 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. The following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in areas of special flood hazard where base flood elevation data are utilized from any source;
- (2) Elevation in relation to mean sea level to which any proposed nonresidential structure will be floodproofed in accordance with Section 1127.05(b)(2) where base flood elevation data are utilized from any source;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1127.05(b)(2) where base flood elevation data are utilized from any source;
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.
- (5) Certification by a registered professional engineer, architect, or surveyor of the structure's as-built lowest floor or floodproofed elevation.

(b) **Exemption from filing a development permit.** An application for a Development Permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$1,000. Any proposed action exempt from filing for a Development Permit is also exempt from the standards of this chapter.

(c) **Designation of the flood damage prevention chapter administrator.** The Community Development Director or his designee is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(d) **Duties and responsibilities of the Community Development Director or his designee.** The duties and responsibilities of the Director of Community Development or his designee shall include but are not limited to:

- (1) **Permit review.**
 - (A) Review all development permit applications to determine that the permit requirements of this chapter have been satisfied.

- (B) Review all development permit applications and all other necessary permits submitted which have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
 - (C) Review all development permit applications to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1127.05(c)(1) is met.
 - (D) Inspect all development projects before, during, and after construction to ensure proper elevation of the structure and to ensure compliance with all provisions of this chapter.
- (2) **Use of other base flood elevation and floodway data.** Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1127.03(b) are designated as Zone A on the Flood Insurance Rate Map. Within these areas, the Community Development 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 Section 1127.05(b)(6) in order to administer Section 1127.05(b)(1) and (2); and where floodway data are available, administer Section 1127.05(c).
- (3) **Information to be obtained and maintained by the City.** Where base flood elevation data are utilized within areas of special flood hazard on the City's or the County's Flood Insurance Rate Map, regardless of the source of such data, the Community Development Director or his designee shall:
- (A) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor;
 - (B) For all new or substantially improved floodproofed nonresidential structures:
 - (i) obtain and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and,
 - (ii) maintain the floodproofing certification required in Section 1127.04(a)(3).
 - (C) Maintain for public inspection all records pertaining to the provisions of this chapter, including base flood elevation data, Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, variance documentation, Conditional Letters of Map Revision, Letters of Map Revision, Letters of Map Amendment, and as-built elevations.
- (4) **Alteration of watercourses.**
- (A) Notify 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 submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.

- (B) Maintain engineering documentation required in Section 1127.04(a)(4) that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.
- (C) Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.
- (5) **Interpretation of flood boundaries.** Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile from the Flood Insurance Study shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1127.06.
- (6) **Alteration of community boundaries.** Upon occurrence, notify FEMA in writing whenever the boundaries of the City have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City's Flood Insurance Rate Map accurately represent the City's boundaries, include within such notification a copy of a map of the City's suitable for reproduction, clearly delineating the new corporate limits or the new area for which the City has assumed or relinquished floodplain management regulatory authority.

1127.05 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(a) **General Standards.** The following standards apply in all areas of special flood hazard including those where base flood elevation data have been provided. Where a structure, including its foundation members, is elevated on fill to at least one (1) foot above the base flood level, the requirements for Section 1127.05(a)(1) and (2) are satisfied.

- (1) **Anchoring.**
 - (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (B) All manufactured homes, not otherwise regulated under the Ohio Revised Code pertaining to manufactured home parks, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (2) **Construction materials and methods.**
 - (A) All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
 - (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and
 - (C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

- (3) **Utilities.** The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
 - (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
 - (B) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - (C) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) **Subdivision proposals.**
 - (A) All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;
 - (B) All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - (C) All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and
 - (D) All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of Section 1127.05(b)(6).
- (5) **Standards in areas of special flood hazard without base flood elevation data.** In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, including Section 1127.04(d)(2), the following provisions apply:
 - (A) New construction and substantial improvement of any residential (including manufactured homes), commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to the flood of record or at least two feet above the highest adjacent natural grade, whichever is greater.

(b) Specific standards. In all areas of special flood hazard where base flood elevation data have been provided as set forth in Section 1127.03(b), Section 1127.04(d)(2), or Section 1127.05(b)(6), the following additional provisions are required:

- (1) **Residential construction.**
 - (A) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one (1) foot above the base flood elevation.
 - (B) In AO zones 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 on the City's or the County's Flood Insurance Rate Map, or at least two feet if no depth number is specified, and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (2) **Nonresidential construction.**
 - (A) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (i) be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of at least one (1) foot above the base flood elevation;
 - (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1127.04(a)(3).
 - (B) In AO zones new construction and substantial improvements shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the City's or the County's Flood Insurance Rate Map (at least two feet if no depth number is specified); or be floodproofed to that level consistent with the floodproofing standards of Section 1127.05(b)(2)(A), and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (3) **Accessory structures.**
- (A) A relief to the elevation or dry floodproofing standards may be granted by the Board of Zoning Appeals for accessory structures (e.g., sheds, detached garages) containing no more than 576 square feet and a value of no more than \$ 10,000 dollars. Such structures must meet the encroachment provisions of Section 1127.05(c) and the following additional standards:
 - (i) they shall not be used for human habitation;
 - (ii) they shall be constructed of flood resistant materials;
 - (iii) they shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
 - (iv) they shall be firmly anchored to prevent flotation;
 - (v) service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the base flood elevation; and,
 - (vi) they shall meet the opening requirements of Section 1127.05(b)(5).
- (4) **Manufactured homes and recreational vehicles.** The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home park requirements of Section 3733.01, Ohio Revised Code.
- (A) Manufactured homes shall be anchored in accordance with Section 1127.05(a)(1)(B).
 - (B) Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation. These standards shall also apply to all recreational vehicles that are either (i) located on sites for 180 days or more, or (ii) are not fully licensed and ready for highway use.
- (5) **Enclosures below the lowest floor.** The following standards apply to all new and substantially improved residential and nonresidential non-basement structures which are elevated to at least one (1) foot above the base flood elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters. 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 shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:

- (A) Be certified by a registered professional engineer or architect; or,
- (B) Must meet or exceed the following criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) **Subdivisions and large developments.** In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 1127.03(b) or Section 1127.04(d)(2), the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least 50 lots or 5 acres (whichever is less):

- (A) The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
- (B) If Section 1127.05(b)(6)(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1127.05(a) and Section 1127.05(b).

(c) **Floodways.**

(1) **Areas within floodways.** The Flood Insurance Study referenced in Section 1127.03(b) identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 1127.04(d)(2). The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and cause erosion. The following provisions apply within all delineated floodway areas:

- (A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- (B) If Section 1127.05(c)(1)(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1127.05(b).
- (C) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the Community Development Director or his designee to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.

(2) **Areas without floodways.** In all areas of special flood hazard where the Flood Insurance Study provides base flood elevation data as set forth in Section 1127.03(b), but no floodways have been designated, the following provisions apply:

- (A) New construction, substantial improvements, or other development (including fill) shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1 (one) foot at any point.
- (B) If Section 1127.05(c)(2)(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1127.05.

1127.06 BOARD OF ZONING APPEALS AND VARIANCE PROCEDURE.

(a) **Appeal Board.**

- (1) The Board of Zoning Appeals as established by the City of Springfield shall hear and decide appeals and requests for variances from the requirements of this chapter.
- (2) The Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of Community Development or his designee in the enforcement or administration of this chapter.
- (3) Those aggrieved by the decision of the Board of Zoning Appeals or any taxpayer, may appeal such decision to the Clark County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
- (4) In passing upon such applications, the Board of Zoning Appeals shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of this chapter, 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 availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (F) the necessity to the facility of a waterfront location, where applicable;
 - (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 for that area;
 - (I) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (J) 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,
 - (K) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of Section 1127.06(a)(4) and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

- (6) The Community Development Director or his designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (b) **Conditions for variances.**
- (1) Variances may only be issued where due to physical characteristics of the property compliance with the requirements of this chapter creates an exceptional hardship. Increased cost or inconvenience of meeting the requirements of this chapter do not constitute an exceptional hardship.
 - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items Section 1127.06(a)(4)(i-xi) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
 - (5) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (6) Variances shall only be issued upon:
 - (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;
 - (C) a determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public as identified in Section 1127.06(a)(4), or conflict with existing local laws or ordinances; and,
 - (D) a determination that the structure or other development is protected by methods to minimize flood damages.
 - (7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.