



City of Gahanna

200 South Hamilton
Road
Gahanna, Ohio 43230

Signature

Ordinance: ORD-0076-2024

File Number: ORD-0076-2024

**AN ORDINANCE TO AMEND THE CITY OF GAHANNA CODE PART ELEVEN
ZONING CHAPTER SECTION 1113.01 - FLOODPLAIN REGULATIONS,
PROVIDING EXEMPTIONS FROM FILING A FLOODPLAIN USE PERMIT AND
CONDITIONS FOR CONTINUATION OF NONCONFORMING USES OF
STRUCTURES**

WHEREAS, City Council adopted a new Zoning Code on April 1, 2024 via ORD-0007-2024; and

WHEREAS, the Planning Department has been tracking and evaluating the implementation of the new Zoning Code through a variety of residential and commercial requests; and

WHEREAS, during the Zoning Code rewrite process, some important provisions were inadvertently not carried forward from the previous code to the new code; and

WHEREAS, it is recommended that Chapter Section 1113.01 - Floodplain Regulations be revised to reflect exemptions from filing a floodplain permit for minor improvements and continuation of nonconforming use of structure as it relates to floodplain permitting.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. That Zoning Code Chapter Section 1113.01 - Floodplain Regulations - is hereby amended as set forth in EXHIBIT A, attached hereto and made a part herein.

Section 2. That this Ordinance shall be in full force and effect after passage by this Council and 30 days after date of signature of approval by the Mayor.

At a regular meeting of the City Council on December 2, 2024, a motion was made by Weaver, seconded by Jones, that the Ordinance be Adopted. The vote was as follows:

Ms. Bowers, yes; Ms. Jones, yes; Ms. McGregor, yes; Ms. Padova, yes;
Mr. Renner, yes; Mr. Schnetzer, yes; Mr. Weaver, yes

President

Merisa K. Bowers
Merisa K. Bowers

Date

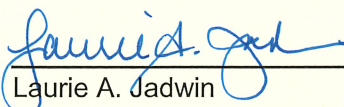
12/4/24

Attest by


Jeremy A. VanMeter
Jeremy A. VanMeter
Clerk of Council

Date

12/3/2024

Approved by the Mayor 
Laurie A. Jadwin

Date 12.3.24

Approved as to Form 
Priya D. Tamilarasan
City Attorney

Date 12/2/24

1113.01 FLOODPLAIN REGULATIONS.

- (a) *Purpose.* The City of Gahanna, State of Ohio, adopts these floodplain regulations, as permitted by Article XVIII, Section 3, of the Ohio Constitution, in order to promote the health, safety, and general welfare of its citizens and to minimize public expenditures and private losses due to flood conditions.
- (b) *Findings of Facts.* 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. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
- (c) *Methods.* In order to accomplish its purposes, these floodplain regulations include 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 floodwaters;
 - (4) Controlling filling, grading, dredging and other development which may increase flood damage; and,
 - (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.
- (d) *Applicability.* These floodplain regulations shall apply to all areas of special flood hazards within the jurisdiction of the City of Gahanna, Ohio, as identified by the Federal Emergency Management Agency, including any additional flood hazard areas annexed by the City of Gahanna that are not identified on the effective Flood Insurance Rate Map.

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, Franklin County, Ohio and Incorporated Areas". This study, with accompanying Flood Insurance Rate Maps with an effective date of August 2, 1995, and any revisions thereto, is hereby adopted by reference and declared to be a part of this Zoning Ordinance. The Flood Insurance Study is on file with the City.

(e) *Exemption from Filing a Floodplain Use Permit.* An application for a floodplain use permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small non-structural development activities (except for filling and grading) valued at less than \$1,000.00. Any proposed action exempt from filing for a floodplain use permit is also exempt from the standards of this chapter.

(fe) *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; 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 State law, such State law shall take precedence over this chapter.

(gf) *Disclaimer of Liability.* The degree of flood protection required by these floodplain regulations 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. These floodplain regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These floodplain regulations shall not create liability on the part of the City of Gahanna, 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.

(hg) *General Floodplain Standards.* In all areas of special flood hazards the following standards are required:

- (1) *Anchoring.* 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.
- (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 located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - D. Where permitted, fill or other materials shall be protected against erosion by vegetative cover, riprap or bulkheading.
- (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 floodwaters into the system.
 - B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; 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 shall be consistent with the need to minimize flood damage.
 - B. All subdivision proposals 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 shall have adequate drainage provided to reduce exposure to flood damage; and,
 - D. All subdivision proposals shall meet the specific standards of Section 1113.01(j), Subdivisions and Large Developments.

(ih) *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, the following provisions apply:

The applicant shall be required to supply the following:

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- (1) Calculation of water surface elevations and flood protection elevations based upon a hydraulic analysis of the portions of the stream channel and other areas inundated by the base flood. Flood protection elevations shall be one foot above the water surface elevations of the base flood plus the increase in flood heights caused by the proposed development.
 - (2) Computation of the floodway required to convey this flood without increasing flood heights to an extent which would cause substantial upstream or downstream damage to existing or reasonably anticipated future development. Computation of increases in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Any increase in flood stages attributable to encroachments on the floodplain of any river or stream shall not exceed five-tenths foot at any point along the river or stream.

(j) *Specific Floodplain Standards.* In all areas of special flood hazards where base flood elevation data have been provided as set forth in Chapter 1113, the following provisions are required.

- (1) *Residential Construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the flood protection elevation.
- (2) *Nonresidential Construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall:
 - A. Be flood proofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the base flood elevation. In order to be eligible for lower flood insurance rates, the structure should be flood proofed at least one foot above the base flood elevation.
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - C. 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 1117.10(d).
- (3) *Accessory Structures.* A relief to the elevation or dry flood proofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures shall meet the encroachment provisions of Section 1113.01(k) and the following additional standards:
 - A. They shall not be used for human habitation;
 - B. They shall be designed to have low flood damage potential;
 - C. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - D. They shall be firmly anchored to prevent flotation; and,
 - E. Service facilities such as electrical and heating equipment shall be elevated or flood proofed.
- (4) *Enclosures Below the Lowest Floor.* The following standards apply to all new and substantially improved residential and nonresidential structures which are elevated to the base flood elevation using pilings, columns, or posts. Fully enclosed areas below the lowest floor that are usable 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. Shall meet or exceed the following criteria:
1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area shall be provided;
 2. The bottom of all openings shall be no higher than one-foot above grade; and
 3. *Openings may be equipped with screens, louvers, valves or other openings provided that they permit the automatic entry and exit of floodwaters.*

(k) *Subdivisions and Large Developments.* In all areas of special flood hazard where base flood elevation data have not been provided in accordance with this chapter, the following standards apply to all subdivision proposals, including manufactured home subdivisions and other proposed developments containing at least 50 lots or five acres (whichever is less):

- (1) The applicant shall provide base flood elevation data performed in accordance with standard engineering practices; and,
- (2) If division (j)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1113.01(g), General Floodplain Standards, and Section 1113.01(i), Specific Floodplain Standards.

(l) *Floodways.* The Flood Insurance Study referenced in Section 1113.01(d) 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 1113.01(d). The floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential. The following provisions apply within all delineated floodway areas:

- (1) 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.
- (2) If subsection (1) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1113.01(i), Specific Floodplain Standards.
- (3) 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 shall be submitted by the City's Designee to the Federal Emergency Management Agency and shall meet the requirements of the National Flood Insurance Program.

(m) *Floodways—Prohibited Uses.* The following structures and uses are hereby prohibited in the floodway:

- (1) Structures designed or used for human habitation;
- (2) The storage or processing of materials that are pollutants, buoyant, flammable, poisonous, explosive or could be injurious to human, animal or plant life in time of flooding, or that have a high flood damage potential;
- (3) Garbage and waste disposal facilities including any further encroachment upon the floodway at existing sites; and
- (4) Any use which will adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system.

(~~nn~~) *Floodways—Permitted Uses.* The following uses may be permitted within the floodway provided that they comply with the provisions of this section and other standards established in this Zoning Ordinance, and any conditions attached by the City's Designee to the issuance of the floodplain permit:

- (1) Agricultural uses such as general farming, pasturing, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting;
- (2) Industrial-commercial uses such as loading areas and parking areas;
- (3) Recreational uses such as golf courses, tennis court, driving ranges, soccer fields, baseball diamonds, archery ranges, picnic grounds, boat launching ramps, swimming areas, basketball courts, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, hunting and fishing areas and hiking and horseback riding trails;
- (4) Residential uses such as lawns, gardens, parking areas and play areas;
- (5) Circuses, carnivals and similar transient amusement enterprises;
- (6) Roadside stands;
- (7) Extraction of sand, gravel and other materials;
- (8) Navigational and drainage aids, marinas, boat rentals, docks, piers, wharves, and water measuring and control devices;
- (9) Railroads, streets, bridges, utility transmission lines, underground culverts, pipes and pipelines;
- (10) Stables;
- (11) Storage of material or equipment other than that prohibited by these floodplain regulations, provided that such material or equipment is not subject to major damage by floods, is firmly anchored to prevent flotation, is readily removable from the area within the time available after flood warning and before flooding, and does not present an ecological quality risk;
- (12) Public utility facilities and water-oriented industries which must be adjacent to watercourses, provided that the development is located so that it shall not substantially alter flood flows, heights or velocities of the 100-year flood. Whenever necessary, compensating measures shall be required to be undertaken to offset any adverse effects of allowing the use within the floodway and to keep increases in stages of the 100-year flood within the limits specified in these regulations;
- (13) Structural works for flood control such as dams, levees, dikes and floodwalls, subject to the issuance of a floodplain use permit. In addition, any proposed structural work in the beds of public waters as defined in Ohio R.C. 1521.06, which shall change the course, current or cross section of the waters shall be subject to the provision of Ohio R.C. 1521.06 and 1521.07, and other applicable statutes;
- (14) Other uses similar in nature to uses described in this subsection which are consistent with the provisions set out in the purpose clause; and
- (15) Structures, temporary or permanent, accessory to permitted uses, provided that:
 - A. They have a low flood damage potential;
 - B. They are constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures;
 - C. They are firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and

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- D. Service facilities such as electrical and heating equipment are placed at or above the regulatory flood protection elevation for the particular area or adequately flood proofed.

(o) Nonconforming Uses. A structure or the use of a structure or premises which was lawful before June 2, 1973, but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

- (1) No nonconforming use shall be expanded, extended, replaced, reconstructed, substituted, changed, enlarged, or altered in the floodway.
- (2) If such use is voluntarily discontinued for two years or more, any future use of the building premises shall conform to this chapter.
- (3) If any nonconforming use, created by this chapter, is destroyed by any means, including floods, to an extent of 50 percent or more of its assessed value, it shall not be reconstructed except in conformity with the provisions of this chapter. The City's designee may permit reconstruction if the use is located outside of the floodway and, upon reconstruction, is adequately flood proofed, elevated, or otherwise protected in conformity with this chapter.
- (4) Repairs and maintenance work required to keep a nonconforming use in sound condition may be made.
- (5) Any alteration or addition to any nonconforming use which would results in substantially increasing its flood damage potential shall be protected by measures in accordance with chapter 1117.10(b)(8).
- (6) Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
- (7) Uses or adjuncts thereof or accessory uses which are found by a Court of competent jurisdiction as nuisances shall not be entitled to continue as nonconforming uses.
- (8) The provisions in this section are not intended and shall not be construed to permit greater expansion, extension, enlarging or replacement than is permitted under any existing Zoning Code sections relating to nonconforming uses.

(Ord. No. 0007-2024, § 2(Exh. A), 4-1-24)