

GENERAL ORDINANCE NO. 86-8

FLOOD DAMAGE PREVENTION ORDINANCE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WABASH COUNTY,
INDIANA:

1.0 - Statutory Authorization

The Indiana Legislature has by State Legislature dealing with planning and zoning granted the power to locate units of government to control land use within their jurisdiction. Therefore, the Commissioners for Wabash County do ordain as follows:

2.0 - Statement of Purpose

The development of the flood hazard area of Wabash County, Indiana could result in the potential loss of life and property, create health and safety hazards, and lead to extraordinary public expenditures for flood protection and relief. Since development of these areas is not essential to the orderly growth of the community and since these lands are suitable for open space uses that do not require structures or fill, the Commissioners of Wabash County, Indiana, do ordain as follows:

3.0 - Definitions

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

Development - means any manmade 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.

Flood Plain - the area adjoining the river or stream which has been or may hereafter be covered by floodwaters.

Natural Resources - means the Indiana Natural Resources Commission.

Regulatory Flood - means that flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one-hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having the probability of occurrence of one percent in any given year.

Structure - anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, mobile homes, and other similar items.

4.0 - Basis for Establishing Flood Plain Districts

The flood plain districts (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration on the Flood Insurance Rate Map(s) dated August 19, 1986, along with any subsequent revisions are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Rate Map(s) is on file at the office of the Wabash County Plan Commission.

5.0 - Designation of the Plan Commissioner and Zoning Secretary

The Plan Commissioner and Zoning Board Secretary for the County of Wabash is appointed to review all development and subdivision proposals to insure compliance with this ordinance.

6.0 - Permitted Uses in the Flood Plain District (Uses by Right)

The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted by right within the Flood Plain District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage

of materials or equipment.

6.1 Agricultural uses such as general farming, pasture grazing, orchards, plant nurseries, and vineyards.

6.2 Forestry, wildlife areas, and nature preserves.

6.3 Parks and recreational uses, such as golf courses, driving ranges, and play areas.

7.0 - Other Uses in the Flood Plain District

All development applications located in the Flood Plain District which are not permitted by right (Section 6.0) will require the review and approval by Natural Resources prior to the issuance of a local permit. The Plan Commissioner and Zoning Board Secretary shall forward all these applications along with plans and specifications to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any local permit.

8.0 - Non-conforming Uses

Any building, structure, or use of land in the Flood Plain District which is not in conformance with this ordinance constitutes a non-conforming use. All applications to repair, extend or enlarge a non-conforming use shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any local permit.

9.0 - Variances

Applications for variances to the provisions of this ordinance shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any local permit.

In addition to incorporating all terms and conditions of Natural Resources, the Board of Zoning Appeals shall do the following:

1. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
2. Issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

10.0 - National Flood Insurance Program Regulation

The Plan Commissioners and Zoning Board Secretary, during their review of improvement location permits, shall assure that all NFIP regulations (contained in CFR 44-Chapter 60.3(d)) and as specified on Attachment A (Section 10 Review Sheet for NFIP Regulations) which is hereby made a part of this ordinance pertaining to State and Federal permits, subdivision review, building permit review, flood proofing non-residential structures, mobile home tie-down standards, utility construction, record keeping (including lowest flood elevations), and water course alterations and maintenance have been met.

11.0 - Disclaimer


Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the community, Natural Resources, or the State of Indiana for any damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

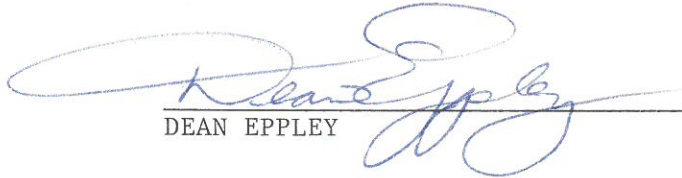
This ordinance shall be in full force and effect from and after the 2nd day of Sept., 1986.

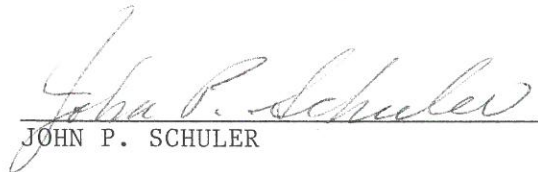
That on the signing and passage of this ordinance the Board of Commissioners for Wabash County are hereby specifically repealing General Ordinance No. 86-7 passed on Aug. 11, 1986.

PASSED by the Board of Commissioners of Wabash County, Indiana, on this 2nd day of Sept, 1986.

WABASH COUNTY COMMISSIONERS


PHILIP MAGNER


DEAN EPPLEY


JOHN P. SCHULER

ATTEST:


PHILIP H. HEGEL
Wabash County Auditor

This ordinance prepared by Thomas J. Mattern, Wabash County Attorney, 70 W. Hill Street, Wabash, Indiana 46992.

ATTACHMENT A

Review of Section 10.0 Requirements

This section adopts the standard of Chapter 60.3(d) by reference. Although the specified requirements are not explicitly stated in the above section, you are expected to enforce these standards. Therefore, this review sheet is provided to briefly describe the specific regulatory requirements of Chapter 60.3(d) as referenced in Section 10.0 of your ordinance.

State and Federal permits

Require that all other State/Federal permits are obtained.

Subdivision review

1. Review subdivision proposals to assure that
 - a) such proposals minimize flood damage
 - b) public utilities and facilities are constructed so as to minimize flood damage
 - c) adequate drained is provided.
2. Require base flood elevation data for subdivision proposals greater than 50 lots or 5 acres.

Building permit review

1. Review permits to assure sites are reasonably free from flooding.
2. Review permits of proposed construction and development and require:
 - a) Anchoring (including mobile homes) to prevent flotation and lateral movement.
 - b) Use of flood resistant materials and utility equipment
 - c) Construction methods which minimize flood damage.

Flood proofing non-residential structures

Require certification of floodproofing by engineer/architect (Structural dry flood proofing is allowed for non-residential structures. The engineer/architect must certify to the elevation to which the structure is dry flood proofed).

Mobile Home tie down standards

- A. Require all mobile homes to be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements are:
 - 1) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;
 - 2) frame ties be provided at each corner of the home with five additional ties per side;
 - 3) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - 4) additions to the mobile home be similarly anchored.
- B. Require that an evacuation plan indicating alternate vehicular access routes be filed with appropriate Disaster Preparedness Authorities for mobile home parks and mobile home subdivisions located within flood hazard areas.

Utility construction

- 1) require new and replacement water and sewer systems to be designed to minimize infiltration.
- 2) require on-site disposal systems to be designed to avoid impairment.

Record keeping

Obtain and maintain records of elevation and floodproofing levels for new construction or substantial improvements.
Obtain certification of floodproofing by engineer/architect.
Lowest flood elevations must be obtained for all new construction and substantial improvements.
All information concerning and justifying any variances.

Water course alteration and maintenance

- 1) Notify neighboring communities of watercourse alterations.
- 2) Maintain carrying capacity of altered watercourse.