

Article 2. Definitions

Alteration of a Watercourse – a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in a cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard, or change the direction of and/or velocity of the flow of water during conditions of the base flood.

Structure, Accessory– a structure that is located on the same parcel of property as the principal building structure and the use of which is incidental and subordinate to the use of the principal building structure. An accessory structure specifically excludes structures used for human habitation. Accessory structures should be designed to have a minimal impact on adjoining properties. ~~and may not be used for human habitation.~~ Examples of accessory structure include, but are not limited to, detached garages, carports, storage and tool sheds, pole barns, hay sheds, ~~and lean-tos,~~ and boathouses.

For purposes of floodplain regulation, accessory structures shall have the following additional defining characteristics:

1. a floor area of 400 square feet or less.
2. Accessory structures are considered walled and roofed when the structure includes at least two outside rigid walls and a fully secured roof.
3. The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP (National Flood Insurance Program).
 - a. Structures in which any portion is used for human habitation, whether as a permanent residence on a parcel or as a temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence;
 - b. Structures used by the public, such as a place of employment or entertainment; and
 - c. Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples include, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

Addition - An extension or increase in the floor area or height of a building or structure. For the purposes of floodplain regulation, it is a walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Appeal – a request for a review of an interpretation by the Director of Planning and Development of any provision of this ordinance.

Area of Special Flood Hazard – the land within a community subject to a one (1) percent or greater chance of being flooded in any given year.

Base Flood – 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 1% annual chance flood or one hundred (100) year flood.

Base Flood Elevation - ~~The elevation of the one-percent annual chance of a flood~~ water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum or 1988.

Basement (for floodplain management purposes only) - That portion of a structure having its floor below ground level on all sides.

Best Available Flood Layer (BAFL) – floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information and/or

floodway delineations for flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the flood hazard is not identified on available floodplain mapping.

Building - Any structure designed, built, and used for the shelter, protection, or enclosure of persons, animals, or property, and which is permanently affixed to the land. A building is also a structure.

Community – A political entity that has the authority to adopt and enforce floodplain ordinances for the areas within its jurisdiction.

Critical Facility - Any use of land for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, or installations which produce, use, or store hazardous materials or hazardous waste.

Development - Any man made change to improved or unimproved real estate including, but not limited to: construction; reconstruction; or placement of a structure; an addition to a structure; installation of a manufactured home; installation of a recreational vehicle on a site for more than 180 days; mining; dredging; filling; grading; paving; excavation; drilling operations; construction and/or reconstruction of bridges or culverts; construction of roads; erection of walls and fences; utility installation; construction of flood control structures including levees, dikes, dams, channel improvements, etc; storage of materials; drilling operations construction or reconstruction of boat lifts, docks, piers, and sea walls; or any other activity that might change the direction, height, or velocity of flood or surface waters located within the area of special flood hazard. This does not include activities such as the maintenance of existing buildings structures and facilities such as painting, re-roofing, resurfacing roads, gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, construction of elevated beds, or the construction of permanent structures.

Elevation Certificate (for floodplain management purposes) - A FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.

Enclosed Area – An area of a structure surrounded by walls on all sides. Also known as an enclosure.

Enclosure – See *Enclosed Area*.

Enclosure Below the Lowest Floor – See *Lowest Floor* and *Enclosed Area*.

Existing Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, the installation of utilities, the construction of streets, and either final grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion of an Existing Manufactured Home Park or Subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final grading or the pouring of concrete pads).

FEMA - Federal Emergency Management Agency.

Fill (for floodplain management purposes) - ~~To build up the level of low lying land with material from any source placed inside the Special Flood Hazard Area (floodplain) causing a permanent increase in existing ground elevations~~ Any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

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

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation, or the runoff of surface waters from any source.
3. Mudslides (i.e. mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or Flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.

Flood, Regulatory - The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 8, Part G of this ordinance. The "Regulatory Flood" is also known by the terms "Base Flood," "One-percent Annual Chance Flood", and "100- year Flood."

Flood Hazard Area - Any Areas subject to inundation by the regulatory flood including the floodplain, floodway, and floodway fringe districts. These areas are generally identified as such on the FIRM map(s) the one percent annual chance flood. See *Special Flood Hazard Area*.

Flood Insurance Rate Map (FIRM) – An official map of a community on which or maps prepared under the National Flood Insurance Program by the Federal Emergency Management Agency (FEMA); FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community for the City of Noblesville and Hamilton County. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) – The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood-Prone Area - Any land area acknowledged by a community as being susceptible to inundation by water from any source. See *Floodplain*.

Flood Protection Grade (FPG) - The elevation of the regulatory flood Base Flood Elevation (BFE) plus two (2) feet at any given location in the SFHA. See *Freeboard*.

Floodplain - The channel proper and the areas adjoining any wetland, lake or watercourse that have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts. The floodplain is shown on the FIRM map(s).

Floodplain Management - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, the natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations - This ordinance-Zoning Ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power which control development in flood-prone areas. This The term describes such federal, state, or local regulations in any combination thereof, which provide

standards for preventing and reducing flood loss and damage **the purpose of flood damage prevention and reduction.**

Flood-Proofing Floodproofing (Dry) - A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the ~~flood-protected~~ **floodproofed** design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Flood-Proofing Floodproofing Certificate - A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the flood protection grade. ~~The form must be completed by a Registered Engineer or Architect.~~

Floodway - The channel of a river or ~~stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream~~ **or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.**

Floodway Fringe - ~~Those portions of the Flood Hazard Areas lying outside the Floodway as shown on the FIRM map(s).~~

Freeboard - A factor of safety, usually expressed in feet above the Base Flood Elevation (BFE), which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe (Flood Fringe) - Those portions of the floodplain lying outside the floodway.

Functionally Dependent Facility Use - An **activity or** establishment that cannot be used for **perform** its intended purpose unless it is located or carried out in close proximity to water, ~~such as a~~ **The term includes only** docking **facilities,** ~~or port facilities~~ **ies that are** necessary for the loading and unloading of cargo or passengers, **and** shipbuilding, **and** ship repair **facilities,** ~~or seafood processing facilities.~~ This **but** does not include long term storage, **or related manufacturing** ~~manufacture, sales, or service facilities.~~

Hardship - The exceptional burden that would result from failure to grant a requested variance, ~~The City of Noblesville Board of Zoning Appeals requires that the variance is~~ **which may be caused by atypical exceptional,** unusual, and peculiar ~~factors or features of~~ **to** the property involved. Mere economic or financial hardship alone is not ~~enough to claim a hardship~~ **exceptional.** Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, **as a rule,** qualify as an **exceptional** hardship. ~~All of these problems that may can be resolved through other means without granting a variance, even if the alternative is more expensive, does not constitute a hardship or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.~~ **Hardship also does not result from an inability to use a parcel exactly as intended by the property owner as long as there remains a viable use of the property.**

Highest Adjacent Grade - Highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic Structure - Any structures **that is:**

1. Individually listed on the National Register of Historic Places **(a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;**

2. 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;
3. Individually listed on a ~~the Indiana State Register of Historic Sites and Structures~~ state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of the Interior, or (b) directly by the Secretary of Interior in states without approved programs.

Hydrologic and Hydraulic Engineering Analysis – Analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

International Code Council-Evaluation Service (ICC-ES) Report – A document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

Letter of Final Determination (LFD) – A letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six month adoption period. The community must adopt or amend its floodplain management regulations during this six month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC) – A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. **They are broken down into the following categories:**

1. Conditional Letter of Map Revision (CLOMR) – FEMA’s comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
2. Conditional Letter of Map Revision Based on Fill (CLOMR-F) – A letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.
3. Letter of Map Amendment (LOMA) – an amendment by letter to the currently effective FEMA map that establishes that a building or land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
4. Letter of Map Amendment Out as Shown (LOMA-OAS) – an official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
5. Letter of Map Revision (LOMR) – an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
6. Letter of Map Revision based on Fill (LOMR-F) – FEMA’s modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

Lowest Adjacent Grade – The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest Floor (for floodplain management purposes) – The lowest elevation described among of the following:

1. the top of the lowest level floor of the a structure;

2. the ~~top of the~~ basement floor;
3. the ~~top of the~~ garage floor, if the garage is the lowest level of the building **connected to the** structure;
4. the ~~top of the~~ first floor of a structure elevated on pilings or pillars;
5. the ~~top of the~~ floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide for any resistance to the flow of floodwaters. **unless: Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:**
 - a. the wall are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters.
 - b. **At least two (2) openings (in addition to doorways and windows) (in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls; are designed and maintained for the entry and exit of flood water; and these openings provide a** the total net area of all openings shall be at least one (1) square inch for every **one (1)** square foot of enclosed area;. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher;**and. -Doorways and windows do not qualify as openings.**
 - c. Such enclosed space shall be usable solely for the parking of vehicles and building access.
6. **The first floor of a building elevated on pilings or columns in a coastal high hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.**

Manufactured Home - A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law of 1974 ([42 U.S.C. 5401](#) et seq.) and which is constructed after January 1, 1981, and which exceeds nine hundred fifty (950) square feet of occupied space. **For the purposes of floodplain management, 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 attached to the required utilities.** The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision – a parcel or collection of contiguous parcels that have been allocated into sites or lots for installation of manufactured homes. The sites or lots may be offered for rent or sale.

Mitigation - Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

Natural Grade (for floodplain management purposes) – The elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.

National Geodetic Vertical Datum of 1929 (NGVD) – As corrected in 1929 it is the vertical control used as a reference for establishing varying elevations within a floodplain.

New Construction - Structures for which the “start of construction” commences on or after the effective date of this ordinance. **For floodplain management purposes, any structure for which the “start of construction” commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.**

New Manufactured Home Park or Subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the sites on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

~~**Non-boundary river floodway**—the floodway of any river or stream that is not the part of the Ohio River that forms the boundary between Kentucky and Indiana.~~

North American Vertical Datum of 1988 (NAVD) - Adopted in 1993 and is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction (For Flood Purposes Only) (for floodplain management purposes) - Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One Percent Annual Chance Flood - The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. ~~Any flood zone that begins with the letter "A" is subject to the one percent chance flood.~~ (Refer to 'Regulatory Flood Flood, Regulatory')

Physical Map Revision (PMR) (For Flood floodplain management pPurposes Only) - An official republication of a community's FEMA map to effect changes to base (one percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevation or SFHAs.

Prefabricated Building – a structure that is manufactured and constructed using factory-made components or units that are transported and assembled on-site to form the complete structure.

Principally above ground – a structure where at least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

Recreational Vehicle (For Flood Purposes Only) (for floodplain management purposes) - a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (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 quarters for recreational camping, travel, or seasonal use.

Regulatory Flood - (Refer to Flood, Regulatory)

Repetitive Loss - Flood related damages sustained by a structure on two separate occasions during a 10-year period ~~ending on the date of the event for which the second claim is made, in~~ for which the cost of repairing the flood damage ~~repairs at the time of each such flood event,~~ on the average, equaled or exceeded twenty five percent (25%) of the market value of the structure ~~at the time of each such flood event~~ before the damage occurred.

Riverine – relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area (SFHA) – Those lands within the jurisdiction of the city ~~that are subject to inundation by the regulatory flood~~ a one percent or greater chance of flooding in any given year. The SFHAs of the City are generally identified as such ~~designated by the Federal Emergency Management Agency on the Flood Insurance Rate Maps, of Hamilton County, Indiana and Incorporated Areas prepared by the Federal Emergency~~

Management Agency and dated November 19, 2014, as well as any future updates, amendments, or revisions, prepared FEMA with the most recent date. **Flood Insurance Studies as** (These areas are shown on a FIRM as Zone A, AE, A1-A30, AH, AR, or A99, or AO). The SFHA includes areas that are flood prone and designated from other federal, state, or local source data including, but not limited to, best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse. Also known as "Areas of Special Flood Hazard" and floodplain.

Solid Waste Disposal Facility – any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.

Start of Construction—The first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. 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 as part of the main structure. **This term does include substantial improvement, in which the start of construction would be the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.** The start of construction, repair, reconstruction, or improvement must be commenced within 180 days of the permit date.

Structure - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground or requires location under the ground. Among other things, structures include buildings, walls, fences, signs, gas or liquid storage tank, mobile homes, {and accessory structures under 200 square feet that do not require a permanent foundation}. A structure is not a building except as further defined by that term.

Structure (for floodplain management purposes) – a walled and roofed building, including a gas or liquid storage tank, which is principally above ground. The term includes a manufactured home, as well as a prefabricated building. It also includes recreational vehicles installed on a site for more than 180 consecutive days.

Substantial Damage - Damage of any origin sustained to by a structure whereby the cost of restoring the structure to it's before damage condition would equal or exceed forty percent (40%) of the market value of the structure before the damage occurred in the "FH" (Flood Hazard) zoning district and would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred in all other zoning districts before the damage occurred.

Substantial Improvement – any alteration, repair, reconstruction, rehabilitation, enlargement, addition, extension, or other improvement of a structure, the cost of which equals or exceeds 40 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. Such substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural element of the building commences. The term does not, however, include either (1) any project for improvements of a structures to correct existing violations of state or local health, sanitary, or safety code requirements or (2) any alteration of a structure listed on the National Register of Historic Places or the Indiana

~~State Survey of Historic, Architectural, Archeological and Cultural Sites, Structures, Districts, and Objects provided that the alteration will not preclude the structure's continued designation as a "historic structure".~~

Variance - A modification of the strict terms of the relevant regulations of this ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship, serious practical difficulties. **For the purposes of floodplain management, it is the grant of relief from requirements of the ordinance consistent with the variance conditions herein.**

Violation - The erection, alteration, enlargement, maintenance or use of any land, building, or structure in violation of the Unified Development Ordinance, Building Codes and related codes, weed ordinance or other codes and ordinances of the City of Noblesville applicable to said land, building, or structure in the zoning district in which it is located.

Walled and roofed – a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

Watercourse - A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE 4.

PART D. INTERPRETATIONS, APPEALS, AND VARIANCES

Section 3. Variances

E. Findings of Fact for Variances

1. Findings of Fact

Every application for a variance shall be subject to the findings of fact as set out in IC 36-7-4-918.5. A variance from the terms of this Ordinance shall not be granted unless the Board of Zoning Appeals makes specific written findings of fact based directly on the particular evidence presented in the application materials and at the hearing which support conclusions that all of the standards and conditions imposed by recommendation of the Director of Planning and Development and the Technical Advisory Committee have been met. A Development Standards Variance may be approved only upon a determination in writing that:

- a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - c. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
2. In addition to the findings of fact, the Board ~~should~~ **shall** consider the following factors when deliberating over a variance request:
- a. Hardship

No variance shall be granted pursuant to this unless the applicant shall establish that carrying out the strict letter of the provisions of this Ordinance would create a particular hardship or practical difficulty. The hardship in the FH zoning district must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or disagreement with the neighbors also does not qualify as an exceptional hardship as they can be resolved through other means without granting a variance, even if the alternative is more expensive. The need for a property owner to build elsewhere or put the property to a different use than originally intended does not constitute a hardship.

b. Unique Physical Condition

The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or non-conforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

c. Not Self-Created

The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this ordinance.

d. Denied Substantial Rights

The carrying out of the strict letter of the provision from which variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

e. Not Merely Special Privilege

The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.

f. Ordinance and Plan Purposes

The variance would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this ordinance and the provision from which a variance is sought were enacted or the general purpose and intent of the Comprehensive Plan.

g. No Other Remedy

There is no means other than the requested variance by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.

h. Minimum Required

The requested variance is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of the ordinance.

3. Additional considerations for Flood Hazard Areas

A written report from the applicant addressing each of the factors below shall be submitted with the variance application. The Board of Zoning Appeals shall, in weighing the appropriateness of a variance for Flood Hazard areas, consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, as well as the following:

- a. The danger to life and property due to flooding or erosion damage
- b. **The danger that materials may be swept onto other lands to the injury of others.**
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- d. The importance of the services provided by the proposed facility to the community.
- e. The necessity to the facility of a waterfront location, where applicable.
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- g. The compatibility of the proposed use with existing and anticipated development.
- ~~h. Whether development of the subject lot would be in harmony with the general and specific purposes of this ordinance, the comprehensive plan, and the floodplain management program of that area.~~
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- j. The expected height, velocity, duration, rate of rise, and sediment of transport of floodwaters at the site.
- k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

4. Every application for a land use variance shall be subject to the findings of fact as set out in IC 36-7-4-918.4. A variance from the land use of this Ordinance shall not be granted unless the Board of Zoning Appeals makes specific written findings of fact based directly on the particular evidence presented in the application materials and at the hearing which support conclusions that all of the standards and conditions imposed by recommendation of the Director of Planning and Development and the Technical Advisory Committee have been met. A Land Use Variance may be approved only upon a determination in writing that:

- a. the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- b. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

- c. the need for the variances arises from some condition peculiar to the property involved;
 - d. the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - e. the approval does not interfere substantially with the comprehensive plan.
- F. Supplemental Requirements for Variances in Flood Hazard Areas
1. Variances ~~from the provisions of the Flood Hazard zoning district~~ shall only be ~~issued~~ granted when ~~the Board can make positive findings of based on evidence submitted at the hearing for the following for properties located within the Flood Hazard zoning district when there is:~~
 - a. A showing of good and sufficient cause
 - b. A determination that failure to grant the variance would result in exceptional hardship ~~as defined in Article 2.~~
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances
 2. No variance for a residential use within a floodway may be granted.
 3. Any variance for non-residential uses granted in a floodway will require prior approval of a permit from the Indiana Department of Natural Resources. ~~Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.~~
 4. Variances to the standards regulating building protection standards may be granted only when a new structure ~~or substantial improvement~~ is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
 5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 6. Variances may be granted for the ~~reconstruction or restoration~~ ~~repair or rehabilitation~~ of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures. ~~Such repair, rehabilitation, or restoration may be issued only upon a determination that the proposed construction~~ ~~repair or rehabilitation~~ will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.
 7. ~~Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.~~
 8. Any applicant that is granted a variance shall be given written notice, which will then be recorded against the deed to the property in the office of the County Recorder, specifying the following:
 1. The difference between the ~~base flood elevation~~ ~~floor protection grade~~ and the elevation to which the lowest floor is to be built
 2. Stating that ~~construction of a structure below the base flood elevation will result in increased premium rates for~~ ~~the cost of~~ flood insurance. ~~Such rate increase will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~
 3. ~~Such construction below the base flood elevation increases risks to life and property.~~

9. The Floodplain Administrator shall maintain records of appeal actions and report any variance to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

ARTICLE 9.

PART G. Flood Hazard (FH) District

Section 1. Purpose

The purpose of the Flood Hazard (FH) District is to guide development in the flood hazard areas. ~~to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance applies to all SFHAs and known flood-prone areas within the jurisdiction of the City of Noblesville, Indiana. The district boundaries are defined by the boundaries of "The Flood Insurance Study for Hamilton County, Indiana, and Incorporated Areas" and include the Floodplain, Floodway, and Floodway Fringe located within the planning and zoning jurisdiction of the City of Noblesville, Indiana. The flood hazard areas of the City of Noblesville are subject to periodic inundation which results 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 floodplains causing increases in flood heights and velocities, and by the development and uses in flood hazard areas which are vulnerable to flood or hazardous to other lands because they are inadequately elevated or flood-proofed or otherwise unprotected from flood damage. No structure shall from this point forward be located, extended, converted, or structurally altered within the SFHA without full compliance with the terms of this part and other applicable regulations. No land or stream within the SFHA shall be altered without full compliance with the terms of this ordinance and other applicable regulations. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the City of Noblesville hereby adopts the following floodplain management regulations in order to accomplish the following: The Indiana Legislature has in IC 36-1-4-11 granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the City of Noblesville, in order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, does hereby adopt the following floodplain management regulations.~~

~~It is the purpose of this ordinance 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:~~

- A. ~~Protect human life and health from the hazards of flooding;~~
- B. ~~Prevent unwise developments from increasing flood or drainage hazards to others; Minimize expenditure of public money for costly flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;~~
- C. ~~Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;~~

- D. ~~to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas;~~ **Minimize prolonged business interruptions;**
- E. ~~Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;~~ **Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;**
- F. ~~Control filling, grading, dredging, and other development which may increase erosion or flood damage;~~ **Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;**
- G. ~~Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;~~ **Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;**
- H. ~~minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;~~ **Minimize the impact of development on adjacent properties within and near flood prone areas;**
- I. ~~minimize prolonged business interruptions;~~ **Ensure that the flood storage and conveyance functions of the floodplain are maintained;**
- J. ~~minimize damage to public facilities and utilities including streets and bridges located in floodplains;~~ **Minimize the impact of development on the natural, beneficial values of the floodplain;**
- K. ~~ensure that potential homebuyers are notified that property is in a flood prone area;~~ **Prevent floodplain uses that are either hazardous or environmentally incompatible; and**
- L. ~~make federally subsidized flood insurance available for structures and their contents by fulfilling the requirements of the National Flood Insurance Program~~ **Meet community participation requirements of the of the National Flood Insurance Program.**

Section 2. Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- A. 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;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters, or which may increase flood hazards in other areas.

Section 23. Basis for Establishing Regulatory Flood Data

~~This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below~~ This ordinance shall apply to all Special Flood Hazard Areas (SFHAs) within the jurisdiction of the City of Noblesville, Indiana including any additional areas of special flood hazard within the extraterritorial jurisdiction of the City of Noblesville or areas annexed by the city over time.

- A. The regulatory flood elevation, floodway, and fringe limits for the studied Special Flood Hazard Areas (SFHAs) within the jurisdiction of the City of Noblesville, shall be delineated as an “AE Zone” shall be determined by the one-percent annual chance flood profiles in on the one-percent annual chance flood profiles in the Flood Insurance Study (FIS) of Hamilton County, Indiana, and Incorporated Areas Flood Insurance Study (FIS) and corresponding Flood Insurance Rate Map (FIRM) dated November 19, 2014 and the corresponding Flood Insurance Rate Map Study (FIRM FIS) dated November 19, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an “AE Zone”, the limits of the floodway will be according to the best available layer as provided by the Indiana Department of Natural Resources.
- B. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs delineated as a “Zone A” on the FIRM of Hamilton County, Indiana and Incorporated Areas prepared by the Federal Emergency Management Agency and dated November 19, 2014 as well as any future subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data flood layer, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.
- C. For the SFHAs of those parts of unincorporated Hamilton County that are within the extraterritorial jurisdiction of the City of Noblesville or that may be annexed into the City of Noblesville:
1. The regulatory flood elevation, floodway, and fringe limits of studied streams shall be as delineated on the one-percent annual chance flood profiles in the FIS of Hamilton County, Indiana, and Incorporated Areas dated November 19, 2014 and the corresponding FIRM prepared by the Federal Emergency Management Agency and dated November 19, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
 2. If the SFHA is delineated as “Zone A” on the Hamilton County, Indiana, and Incorporated Areas FIRM, prepared by the Federal Emergency Management Agency and dated November 19, 2014, the regulatory flood elevation, floodway, and fringe limits shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.
- D. In the absence of a published FEMA map or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community’s known flood prone areas shall be according to the best data available flood layer as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

- E. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.
- F. The FH zoning district is established based upon the boundaries of the Special Flood Hazard Areas as shown on the FIRM for Hamilton County, Indiana, and Incorporated Areas. **Those areas shown by the best available flood layer to be within the SFHA but not yet shown on a FIRM shall be subject to the regulations of this FH zoning district.**
- G. Discrepancy between mapped floodplain and actual ground elevations.
 - 1. In cases where there is a discrepancy between the mapped floodplain (SFHA) **with base flood elevations provided (riverine or lacustrine Zone AE)** on the FIRM and the actual ground elevations, the elevation provided on the profiles **or table of still water elevations** shall govern.
 - 2. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
 - 3. If the elevation (natural grade) of the site in question is **at or** above the base flood elevation and ~~not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a Letter of Map Amendment (LOMA)~~ **a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.**

Section 34. Administration

- A. The Director of Planning (or his/**her** designee) shall be the Floodplain Administrator charged with the administration and implementation of the provisions of this ordinance. **The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance.**
- B. The duties and responsibilities of the floodplain administrator shall include, but **are** not ~~be~~ limited to:
 - 1. **Evaluate applications for** ~~Review all floodplain development permits to~~ **develop in special flood hazard areas to** assure that the **permit** requirements of this ordinance have been satisfied.
 - 2. **Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.**
 - 3. **Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or deny the permit application in the event of noncompliance.**
 - 4. **Advise permittee that additional Federal, State, and/or local permits may be required. If specific Federal, State, and/or local permits are necessary, require that copies of such permits be provided and maintained on file with the floodplain development permit.**
 - 5. **Conduct substantial damage determinations to determine whether existing structures, located within the special flood hazard areas identified by FEMA and damaged from any source, must meet the development standards of these regulations. Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations**

6. ~~Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.~~ For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvements or work on such building and structures, the Floodplain Administrator shall:
 - a. Verify and document the market value of the pre-damaged or pre-improved structure;
 - b. Compare the cost to perform the improvements; or the cost to repair a damaged building to its pre-damaged condition; or the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community;
 - c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluations of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" for proposed work to repair damage caused by flood and previous permits issued to repair flood-related damage as specified in the definition of substantial damage; and
 - d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards of this ordinance are required.
7. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects ~~subject to UDO § 8.G.12.A and UDO § 8.G.12.C.1~~ within the floodway as further described in this ordinance and maintain a record of such authorization with either a copy of the permit/authorization ~~of~~ or floodplain analysis/regulatory assessment.
8. ~~Ensure that all necessary federal or state permits have been received prior to issuance of the local permit. Copies of such permits/authorizations are to be maintained on file with the local permit.~~ Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if a construction authorization is required from the Indiana Department of Natural Resources for development projects within the floodway as described further in this ordinance. Maintain a record of such authorization (copy of actual permit/authorization or floodplain analysis/regulatory assessment).
9. ~~Maintain and track permit records involving additions and improvements to residences located in the floodway.~~ Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or repetitive loss structure) to ensure eligibility for ICC funds.

10. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
11. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance.
12. Utilize and enforce all LOMC or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
13. Assure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood carrying capacity is not diminished.
14. ~~Review certified plans and specifications for compliance.~~ Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
15. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with ~~UDO § 8.G.5.D and UDO § 8.G.5.E.~~ the requirements of this Part.
16. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with ~~UDO § 8.G.11.N.4.~~ the requirements of this Part.
17. Provide information, testimony, or other evidence as needed during variance hearings.
18. ~~Service notices of violations, issue Post stop work orders, and/or revoke permits and take corrective actions in accordance with Section 27. for construction, erection, alterations, repair, moving, demolition, installation, or replacement not in conformity with the provisions of this ordinance. In addition to non-conformity, a permit may be revoked where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.~~
19. ~~Coordinate map maintenance activities and associated FEMA follow-up as further details in this Part.~~
20. As the work pursuant to a permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is done according to the provisions of the local ordinance and terms of the permit. Perform a minimum of three inspections to ensure that all applicable ordinance and floodplain development requirements have been satisfied. The first inspection shall be upon the establishment of the Flood Protection Grade reference mark at the development site; the second upon the establishment of the structure's lowest floor; and the final inspection upon completion and submission of the required finished construction elevation certificate. The Floodplain Administrator shall have the right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

21. Once a project is complete, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have the right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
22. Request any additional information which may be necessary to determine the nature of a proposed development or structure with respect to the requirements of this ordinance.
23. For all projects involving channel modifications or fill (including levees), submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

C. Floodplain Management Records

1. Regardless of any other law or ordinance on the period required for retention of public records, records of actions associated with the administration of these floodplain regulations shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records shall include permit applications, plans, certifications, Flood Insurance Rate Maps, Letters of Map Change, records of issuance of permits and denial of permits, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage, required design certifications and documentation of elevations required by this ordinance, notifications to adjacent communities, FEMA, and the state related to alterations of watercourses, assurances that the flood carrying capacity of altered watercourses will be maintained, documentation related to appeals and variance including justification for issuance or denial, and records of enforcement actions taken pursuant to this ordinance.
2. These records shall be available for public inspection at Noblesville City Hall, 16 South 10th Street, Noblesville, IN 46060.

D. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose. In addition to the provisions for appeals contained in Article 4 of this ordinance, the provisions of this Part G shall be applied in the following manner for the interpretation and application of provisions:

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.

Section 45. Approval Procedures

- A. Any alterations to sites and existing structures within the FH district must appear before the Board of Zoning Appeals for approval before any construction or alteration of the site may begin. The only exceptions to this requirement are those sites that are rezoned by the Common Council to allow fill or cut and fill operations or additions to existing structures that do not increase the footprint of the structure and that are located above the BFE.
- B. The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this ordinance.

- C. No applicant shall proceed with any fill or cut and fill operations without receiving rezone approval from the Plan Commission and Common Council. See UDO § 8.G.8.A for further requirements.
- D. All projects shall be required to receive a building permit or improvement location permit prior to the beginning of any development on the project.

Section 56. Improvement Location Permit

- A. No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining an Improvement Location Permit from the Director. The Director shall not issue an Improvement Location Permit if the proposed development does not meet the requirements of this ordinance.
- B. The application for an Improvement Location Permit shall include all applicable information that is required by Article 4 and Appendix B of this ordinance.
- C. Upon receipt of an application for an Improvement Location Permit, the Director shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.

1. Floodways

- a. If the site is in an identified floodway, the Director shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1, a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, paving, and any other similar activities undertaken before the actual start of construction of the building. ~~It does not exclude non-substantial additions/improvements to existing, lawful residences in a non-boundary river floodway, per the requirements of IC 14-28-1-26, but if fill is needed to elevate the addition above the existing grade, a construction in the floodway permit is required.~~ General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.
- b. No action shall be taken by the ~~Director~~ Floodplain Administrator until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. Once a permit has been issued by the Natural Resources Commission, the Director may issue the local Improvement Location Permit, provided the provisions contained in ~~Section 11 of this Part G of this ordinance~~ have been met.
- c. The Improvement Location Permit cannot be less restrictive than ~~the permit~~ an approval issued for construction in a floodway issued by the Indiana Department of Natural Resources Commission, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.
- d. In floodway area identified on the FIRM, development shall cause no increase in flood level during the occurrence of the base flood discharge without first obtaining a Conditional

Letter of Map Revision. A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.

- e. In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

2. Fringe

If the site is located in an identified floodway fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies not identified on a FIRM), then the Director Floodplain Administrator may issue the local Improvement Location Permit provided the provisions contained in Section 11 of this Part G have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).

3. SFHAs without Established Base Flood Elevation and/or Floodways/Fringes

- a. ~~When the drainage area upstream of a site is greater than one square mile and~~ If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined, ~~and the drainage area upstream of the site is greater than one square mile,~~ the Director Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment. No action shall be taken by the Director Floodplain Administrator until ~~either a permit~~ until written approval from the Indiana Department of Natural Resources (approval for construction in the a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the ~~400-year flood elevation~~ one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources. Once the Director Floodplain Administrator has received the proper permit or floodplain analysis/regulatory assessment approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from the Department of Natural Resources and the provisions contained in ~~UDO § 8.G.11~~ this Part G have been met.
- b. ~~When the drainage area upstream of a site is less than one square mile and the site is in an identified floodplain where the limits of the floodway and floodway fringe have not been determined,~~ the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site. Upon receipt of the information, the Floodplain Administrator may issue the Improvement Location Permit, provided the provisions of this Part G have been met.

4. SFHAs not Identified on a Map

- a. ~~If the site a proposed development is near a waterway with in an no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. where the limits of the floodway and floodway fringe have not yet been determined and If the drainage area upstream of the site verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review. is less than one square mile, the Director shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100 year elevation for the site. Upon receipt, the Director may issue the local Improvement Location Permit, provided the provisions contained in UDO § 8.G.11 has been met. No action shall be taken by the Floodplain Administrator until either a permit until written approval from the Indiana Department of Natural Resources (approval for construction in the a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the 100 year flood elevation one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources. Once the Floodplain Administrator has received the proper permit or floodplain analysis/regulatory assessment approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from the Department of Natural Resources and the provisions of this Part G have been met.~~
- b. ~~When the drainage area upstream of a site is less than one square mile and the site is in an identified floodplain where the limits of the floodway and floodway fringe have not been determined, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site. Upon receipt of the information, the Floodplain Administrator may issue the Improvement Location Permit, provided the provisions of this Part G have been met.~~
- D. ~~Upon establishment/placement of the lowest floor, before framing continues, to include any approved floodproofing, it shall be the duty of the applicant to submit to the Floodplain Administrator an elevation certificate of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built for the building under construction. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the floodproofing certification or elevation certificate shall be at the applicant's risk. The Floodplain Administrator shall review the lowest floor and floodproofing elevation certificate. survey data submitted, and notify the applicant of Any deficiencies detected during the review shall be. The applicant shall corrected by the applicant deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.~~
- E. ~~Upon completion of construction of an elevated structure or structure constructed on fill, an elevation certification which depicts the "as-built" lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification is required to be submitted~~

~~by the applicant to the Floodplain Administrator.~~ The elevation certificate shall be prepared by or under the supervision of a registered land surveyor and certified by the same.

- F. Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including completion.
- G. Upon the completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by the same.

Section 67. Permitted Uses

A complete listing of permitted uses is provided in Appendix C, Use Matrix. Certain permitted uses have special restrictions listed in UDO § 8.G.78 below.

Section 78. Uses Permitted with Restrictions

The following uses are permitted in this district provided that they meet the restrictions below.

A. Excavation

1. Before any excavation is begun, there shall be a plan on file with and approved by both the Indiana Department of Natural Resources, if located within the floodway, and the Plan Commission for both excavation and reclamation activities.
2. Any excavation shall be carried on in such a manner so as not to disturb any land or properties immediately adjacent to the property on which the excavation is being accomplished. In particular, no excavation shall take place within one hundred (100) feet of the property line.
3. Any excavation shall be surrounded by a fence not less than seven (7) feet in height.
4. No excavation shall take place by use of explosives.

Section 89. Prohibited Uses

The following uses are prohibited in this district.

A. Cut and Fill

Cut and Fill is prohibited within the Flood Hazard District. These regulations prohibit the placement of fill within the FH zoning district, however, in rare circumstances, when it is not possible to avoid fill within the floodplain the applicant may seek a waiver of the prohibition. The waiver of this prohibition must be received with a request to rezone the property, and both requests must be approved by the Plan Commission and City Council. No changes will be approved without compliance with the following requirements:

1. Compensatory storage is required for any fill, structure, or other material above the grade in the regulatory floodplain that temporarily or permanently displaces floodplain storage volume.
2. Compensatory storage must:
 - a. Be equal to at least three times the volume of flood storage lost below the 10 year and 100 year flood elevations.

- b. Be operational prior to placement of fill, structures, or other materials temporarily or permanently placed in the regulatory floodplain.
 - c. Be provided in addition to the site detention volume.
 - d. Drain freely and openly to the waterway.
 - e. All regulatory floodplain storage lost below the existing 10 year flood elevation shall be compensated for below the proposed 10 year flood elevation.
 - f. All regulatory floodplain storage lost above the existing regulatory 10 year flood elevation shall be compensated for above the proposed 10 year flood elevation.
3. Compensatory storage is required for activities in the regulatory floodplain. There is no threshold to compensatory storage, any volume of fill requires compensatory storage be provided.
 4. The compensatory storage requirement does not apply to floodproofing of an existing building where the floodproofing measures such as berms or floodwalls are within 10 feet of the building, or crossing improvements where artificially created storage is lost due to a reduction in head loss.
 5. Compensatory storage must be located onsite, adjacent to, or opposite the areas filled or occupied by a structure. In those rare instances when compensatory storage cannot be located adjacent to or opposite the areas filled or occupied, the applicant shall provide engineering computations demonstrating that hydraulically equivalent compensatory storage has been provided. These computations must show no increase in flood flows or flood depths will result as a result of the location of the proposed compensatory storage.
 6. Compensatory storage must be constructed to drain freely and openly to the main watercourse. In some rare instances it may be necessary to install pipes to construct and/or operate a compensatory storage basin. This may occur when site constraints, such as a roadway or sidewalk, separate the waterway from the compensatory storage area.

B. Fill

Filling a property using materials from an outside source that does not provide an area of compensatory storage within the watershed is prohibited.

Section 910. Conditional Uses

Conditional uses are permitted when authorized by the Board of Zoning Appeals after a public hearing subject to UDO § 4.C. The conditional uses that may be permitted are listed in Appendix C, Use Matrix. Certain conditional uses have special restrictions that are listed below. In the floodway no conditional use shall be granted by the Board of Zoning Appeals unless a permit for construction has previously been obtained from the Indiana Department of Natural Resources. The Board may impose greater restrictions than those required by the Indiana Department of Natural Resources.

A. Campgrounds

1. Approval must be obtained from the Indiana State Board of Health and from the Department of Natural Resources.
2. The size, procedure, design, installation, and maintenance for Recreational Campgrounds shall be provided for in UDO § 8.B.7, Residential Mobile Home Park (RMH) District.

Section 4011. Bulk Requirements

The bulk requirements that apply to the FH District shall be determined on a case by case basis by the Director of Planning and Development. The Director should take into account the standards for the adjoining zoning districts as well as the existing pattern of development in the immediate area of the construction when determining the setbacks.

Section 4112. Development **General** Standards

In all ~~SFHA and known flood-prone areas~~ **all areas of special flood hazard** the following are required:

- A. New construction, **reconstruction or repairs to a repetitive loss structure**, and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- B. ~~Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement of the structure. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces. New construction and substantial improvement shall be constructed by methods and practices that minimize flood damage.~~
- C. ~~New construction and substantial improvement shall be constructed with materials and utility equipment resistant to flood damage below the Flood Protection Grade (FPG).~~ **All structures shall be constructed of flood resistant materials below the FPG.**
- D. Electrical, heating, ventilation, plumbing, air conditioning equipment, ~~utility meters~~, and other service facilities shall be located at or above the FPG ~~or designed so as to prevent water from entering or accumulating within the components below the FPG~~ **for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at or above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures.** Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- E. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. Onsite waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. ~~No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade (FPG), unless such materials are stored in a flood-proofed storage tank. The provisions of the Wellhead Protection Overlay District shall also apply and if found to be more restrictive than this section shall supersede.~~ **Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other development, affecting any part of the area of the development.**

- I. ~~Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.~~ Construction of new solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in areas of special flood hazard.
- J. Parking lots, driveways, and sidewalks within the SFHA shall be constructed with permeable materials.
- K. Any alteration, repair, reconstruction, or improvement to a structure that is not in compliance with the provisions of this ordinance shall be undertaken only if said non-conformity is not furthered, extended or replaced. Any structure in the SFHA that is not in compliance with the provisions of this ordinance may not be altered, repaired, reconstructed, or improved unless such changes are in compliance with these regulations. The only exception to this is a repair or alteration that does not increase the footprint of the existing structure, and does not total more than 40% of the pre-repair fair market value.
- L. Whenever any portion of the SFHA is authorized for use construction of a new structure, the volume of space which will be occupied by the structure below the BFE shall be compensated for and balance by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to three (3) times the volume of storage lost due to the structure.
1. The excavation shall take place ~~in the floodplain and~~ on the same property in which the structure is located within the same floodplain, provided sufficient space exists. . If sufficient space does not exist on the same property, the excavation shall take place in the same floodplain no further than 1000 feet from the site of the structure, provided authorization or permission has been granted by the owners of any property where the excavation is proposed.
 2. ~~Under certain circumstances, to be determined by the Director, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be on the same property in which the structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled. In such instances, the Director shall prepare a document to be signed by the applicant and recorded against the deed for the property noting the restrictions on the compensatory storage area.~~ A restrictive covenant that runs with the property which states the approved compensatory cut area (the excavation) shall not be altered without approval from the Floodplain Administrator shall be executed and recorded in the Hamilton County Recorder's Office.
 3. The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by floodwater.
 4. The excavation shall be sufficiently stabilized and compacted to remain firm and resist erosion.
 5. The grading around the excavation shall be such that the excavated area is accessible to other regulatory flood water.
 6. The structure shall not obstruct a drainage way leading to the floodplain.

7. The structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.
 8. Plans depicting the areas to be excavated shall be submitted prior to the start of construction or site work. Once site work is complete, but prior to the start of construction on any structure, the applicant shall provide the floodplain administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation complyes with this article **Part G**.
- ~~M. All structures located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:~~
- ~~1. Construction or placement of any new structure having a floor area greater than 400 square feet.~~
 - ~~2. Addition or improvement made to any existing structure:

 - ~~a. Where the cost of the addition or improvement equals or exceeds 40% of the market value of the existing structure, excluding the value of land.~~
 - ~~b. Addition or improvement made to any existing structure with a previous addition or improvement constructed since the community's first floodplain ordinance.~~
 - ~~c. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damage condition equals or exceeds 40% of the market value of the structure, excluding the value of the land, before damage occurred.~~
 - ~~d. Installing a travel trailer or recreational vehicle on a site for more than 180 days.~~
 - ~~e. Installing a manufactured home on a new site or a new manufactured home on an existing site. This regulation does not apply to returning an existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.~~
 - ~~f. Reconstruction or repairs made to a repetitive loss structure.~~~~
 - ~~3. New construction or substantial improvement of any residential structure or manufactured home shall have the lowest floor, including the basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of subsection O below.~~
 - ~~4. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movement of floodwaters shall be provided in accordance with the standards of subsection O below. Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

 - ~~a. A registered professional engineer or architect shall certify that the structure has been designed so that below the FPG the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic pressures, and impacts from debris or ice. Such certification shall be provided to the floodplain administrator.~~
 - ~~b. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.~~~~

- ~~N. New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed area formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwater to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:~~
- ~~1. Provide a minimum of two openings located in a minimum of two exterior walls with a total net area of not less than one square inch for every one square foot of enclosed area.~~
 - ~~2. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.~~
 - ~~3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.~~
 - ~~4. No opening shall have a dimension of less than 3 inches in any direction. This requirement applies to the hole in the wall, excluding any device that may be inserted, such as typical foundation air vent devices.~~
 - ~~5. Access to the enclosed area shall be the minimum necessary to allow for parking vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).~~
 - ~~6. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.~~
 - ~~7. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.~~
 - ~~8. The property owner shall be required to execute a flood openings/venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of this section. Periodic inspections will be conducted by the floodplain administrator to ensure compliance. The affidavit shall be recorded in the office of the Hamilton County Recorder, and a copy of the recorded document shall be presented to the floodplain administrator prior to the issuance of a certificate of occupancy.~~
 - ~~9. Where the interior height of the enclosure exceeds 6 feet, the property owner shall execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor or the detached accessory (structure) shall not be improved, finished, or otherwise converted to living space and the City will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Hamilton County Recorder, and a copy of the recorded document shall be presented to the floodplain administrator prior to the issuance of a certificate of occupancy. ORD #53 10 15~~
- ~~O. A residential or nonresidential structure may be constructed on a permanent landfill in accordance with the following:~~
- ~~1. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method, which shall be retained in the permit file.~~
 - ~~2. The fill shall extend at least ten (10) feet beyond the foundation of the building before sloping below the FPG.~~
 - ~~3. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three (3) horizontal to one (1) vertical.~~
 - ~~4. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.~~

5. ~~The top of the lowest floor including basement shall be at or above the FPG.~~
 6. ~~Fill shall be composed of clean granular or earthen material.~~
- P. ~~Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:~~
1. ~~Manufactured homes to be placed on a site outside a manufactured home park, in a new manufactured home park, expansion to an existing manufactured home park, or in an existing manufactured home park on which a manufactured home has incurred substantial damage as a result of a flood must meet one of the following requirements:~~
 - a. ~~The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.~~
 - b. ~~Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures above.~~
 - c. ~~Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.~~
 2. ~~Manufactured homes to be placed on a site in an existing manufactured home park that has not been substantially damaged by a flood:~~
 - a. ~~The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than thirty-six (36) inches in height above grade and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~
 - b. ~~Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures above.~~
 - c. ~~Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.~~
 3. ~~Recreational vehicles placed on a site shall either:~~
 - a. ~~Be on site for less than 180 days; or~~
 - b. ~~Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or~~
 - c. ~~Meet the requirements for manufactured homes as stated above.~~
- Q. ~~Relief from the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:~~
1. ~~Shall not be used for human habitation.~~
 2. ~~Shall be constructed of flood resistant materials.~~
 3. ~~Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.~~
 4. ~~Shall be firmly anchored to prevent flotation.~~
 5. ~~Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.~~
 6. ~~Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures above.~~

~~R. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Those facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.~~

Section 13. Building Protection Requirement N.

In addition to the general standards described above, all structures located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

- A. Construction or placement of a residential structure.
- B. Construction or placement of a non-residential structure.
- C. Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 40% of the market value of the existing structure, excluding the value of land.
- D. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damage condition equals or exceeds 40% of the market value of the structure, excluding the value of the land, before damage occurred. The costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost.
- E. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
- F. Installing a manufactured home on a new site or a new manufactured home on an existing site.
- G. Reconstruction or repairs made to a repetitive loss structure.
- H. Addition or improvement made to any existing structure with a previous repair, addition, or improvement constructed since the community's first floodplain ordinance.

Section 14. Residential Construction (excluding manufactured homes)

- A. New construction or substantial improvement of any residential structure shall meet all the provisions of this Part G.
- B. In Zone A and Zone AE, new construction or substantial improvement of any residential structure shall have the lowest floor, including basement, at or above the FPG.
- C. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall meet the following requirements:
 - 1. Must be designed to preclude finished living space. Must be designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional and requires supporting engineering certification or

make/model specific ICC-ES Report or they must meet the following criteria for non-engineered flood openings:

- a. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls with a total net area of not less than one square inch for every one square foot of enclosed area.
 - b. The bottom of all openings shall be no more than one foot above the higher of the final interior grade or floor and the finished exterior grade immediately under each opening.
 - c. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
 - d. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.
 - e. Doors and windows do not qualify as openings.
 - f. Openings must be equipped with screen, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
2. Where the interior height of the enclosure exceeds 6 feet, the property owner shall execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor or the detached accessory building shall not be improved, finished, or otherwise converted to living space and the City will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Hamilton County Recorder, and a copy of the recorded document shall be presented to the floodplain administrator prior to the issuance of a certificate of occupancy.
 3. The floor of such enclosed area must be at or above grade on at least one side.
 4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- D. A residential structure constructed on permanent fill must meet the following criteria:
1. Fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
 2. Fill shall extend ten (10) feet beyond the foundation of the structure before sloping below the BFE.
 3. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three feet horizontal to one foot vertical.
 4. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 5. Fill shall be composed of clean granular or earthen material.
- E. A residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

Section 15. Non-Residential Construction

- A. New construction or substantial improvement of any non-residential structure (excludes accessory structures) shall meet all provisions of this Part G.
- B. All newly placed or replaced above ground gas or liquid storage tanks shall be subject to the requirements for a non-residential structure
- C. In Zone A and Zone AE, new construction or substantial improvement of any non-residential structure (excludes accessory structure) shall either have the lowest floor, including basement, elevated to or above the FPG or be floodproofed to or above the FPG.
- D. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall meet the following requirements:
 - 1. Must be designed to preclude finished living space. Must be designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional and requires supporting engineering certification or make/model specific ICC-ES Report or they must meet the following criteria for non-engineered flood openings:
 - a. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls with a total net area of not less than one square inch for every one square foot of enclosed area.
 - b. The bottom of all openings shall be no more than one foot above the higher of the final interior grade or floor and the finished exterior grade immediately under each opening.
 - c. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
 - d. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.
 - e. Doors and windows do not qualify as openings.
 - f. Openings must be equipped with screen, louvers, valves, or other coverings or devices provided they permit the automatic floor of floodwaters in both directions.
 - 2. Where the interior height of the enclosure exceeds 6 feet, the property owner shall execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor or the detached accessory building shall not be improved, finished, or otherwise converted to living space and the City will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Hamilton County Recorder, and a copy of the recorded document shall be presented to the floodplain administrator prior to the issuance of a certificate of occupancy.
 - 3. The floor of such enclosed area must be at or above grade on at least one side.
 - 4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- E. A non-residential structure constructed on permanent fill must meet the following criteria:

- a. Fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
 - b. Fill shall extend ten (10) feet beyond the foundation of the structure before sloping below the BFE.
 - c. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three feet horizontal to one foot vertical.
 - d. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - e. Fill shall be composed of clean granular or earthen material.
- F. A non-residential may be floodproofed in accordance with the following:
- 1. A registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certifications shall be provided to the Floodplain Administrator.
 - 2. Floodproofing measures shall be operable without an outside source of electricity.
- G. A non-residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

Section 16. Manufactured Homes and Recreational Vehicles

A. These requirements apply to all manufactured homes to be placed on a site in the SFHA:

- 1. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 2. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. The enclosure must comply with all regulations listed in Section 14 for fully enclosed areas.
- 3. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

B. Recreational vehicles placed on a site in the SFHA shall either:

- 1. Be on site for less than 180 days and be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or
- 2. Meet the requirements for manufactured homes as stated above.

Section 17. Accessory Structures

Within SFHAs, new construction or placement of an accessory structure must meet the following standards:

- A. Shall have a floor area of 400 square feet or less.
- B. Shall not be used for human habitation.
- C. Use shall be limited to parking of vehicles and limited storage.
- D. Shall be constructed of flood resistant materials.
- E. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
- F. Shall be firmly anchored to prevent flotation.
- G. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
- H. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. The enclosure must comply with all regulations listed in Section 14 for fully enclosed areas.
- I. Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

Section 18. Free-standing Pavilions, Gazebos, Decks, Carports, and similar open-sided structures

- A. Shall have open sides. No more than one rigid wall is permitted.
- B. Shall be anchored to prevent flotation or lateral movement.
- C. Shall be constructed of flood resistant materials below the FPG.
- D. Any electrical, heating, plumbing, and other service facilities shall be located at or above the FPG.
- E. Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a pavilion, gazebo, carport, or similar open-sided development.

Section 19. Standards for Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Those facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

Section 12. ~~Permit and Data Standards and Requirements~~

~~A. Standards for Identified Floodway~~

~~—The floodway is an extremely dangerous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is an identified floodway, the floodplain administrator shall require the applicant to forward the application, along with all~~

~~pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, paving, and similar activities undertaken before the actual start of construction of the structure. These regulations will not apply to any use that is exempted from permitting requirements under the provisions of IC 14-28-1. No action shall be taken by the floodplain administrator until a permit or letter of authorization, when applicable, has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Upon receipt, the floodplain administrator may issue a local building permit provided the provisions of the local floodplain ordinance have been met. The local building permit can not be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources, however, if the language of our floodplain ordinance has more restrictive regulations they shall take precedence. Within the floodway identified on the FIRM or engineering analysis:~~

- ~~1. No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse affect is defined as an increase in the elevation of the regulatory flood of at least fifteen hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven by hydraulic analyses.~~
- ~~2. For all projects involving channel modifications or fill (including levees) the applicant shall submit the data and request that the Federal Emergency Management Agency (FEMA) revise the regulatory flood data.~~

~~B. Standards for Identified Fringe~~

~~—If the site is located in an identified fringe the floodplain administrator may issue the local building permit provided the provisions of this ordinance have been met. The top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.~~

~~C. Standards for SFHA without established base flood elevation and/or floodways/fringes:~~

- ~~1. If the drainage area upstream of the site is greater than one square mile the floodplain administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment. No action shall be taken until either the permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the one percent annual chance flood elevation and the recommended FPG has been received from the Indiana Department of Natural Resources. Upon receipt, the floodplain administrator may issue a local building permit provided the provisions of this ordinance have been met.~~
- ~~2. If the drainage area upstream of the site is less than one square mile the floodplain administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one percent annual chance flood elevation for the site. Upon receipt, the floodplain administrator may issue the local building permit provided the provisions of this ordinance have been met.~~

3. ~~The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.10 of one foot and will not increase flood damage or potential flood damages.~~

~~D. Standards for Flood Prone Areas~~

~~—All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required in the General Standards.~~

- ~~E. If during the design stage it is determined that the FIRM is incorrect, then a Letter of Map Revision (LOMR) to correct the FIRM is to be filed with FEMA. No development will be allowed until an approved copy of the LOMR is received.~~

Section 1320. Standards for Subdivision Proposals

- A. All subdivision proposals **and all other proposed development** shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals **and all other proposed development** shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- C. All subdivisions proposals **and all other proposed development** shall have adequate drainage provided to reduce exposure to flood hazards.
- D. ~~Base flood elevation data shall be provided for S~~ubdivision proposals and other proposed development which ~~includes~~ **is greater than the lesser of** either fifty (50) lots or five (5) acres, **when proposed in areas of special flood hazard where base flood elevation data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations.**
- E. All subdivision proposals shall minimize development in the SFHA. All the property identified in the SFHA shall not be counted towards overall acreage when determining permitted density.
- F. All subdivision proposals shall ensure safe access into/out of the SFHA for pedestrians and vehicles, especially emergency responders.
- G. **Streets, blocks, lots, parks, and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the floodplains shall be included within parks or other public grounds.**

Section 1421. Nonconforming Uses

Uses legally existing in the FH District as of the effective date of this ordinance shall be considered legal nonconforming uses ~~and shall be subject to the following:~~ **After determination of the value of the proposed alteration or enlargement subject to the criteria laid out in UDO § 8.G.4.B.6 the following shall apply.**

- A. No nonconforming use in the FH District and located in an identified floodway may be altered or enlarged without a permit for construction in a floodway from Natural Resources.
- B. A nonconforming use in a FH District may be altered, enlarged, or extended, on a one time only basis, provided such alteration, enlargements, or extensions ~~do not increase the value of the~~

~~building or structure, excluding the value of land, by more than forty percent (40%) or its pre-improvement market value provided the cost (labor and materials) of such alteration, enlargement, or extension is 40% or less of the pre-improved value of the building or structure, unless such building or structure is permanently changed to a conforming use.~~

- C. Any nonconforming use in the FH District which is damaged by flood, fire, explosion Act of God, or the public enemy may be restored to its original dimensions and conditions, **provided the Floodplain Administrator has determined the nonconforming use was not substantially damaged as defined in Article 2.**
- D. Such uses may be granted variances subject to ~~Part M, Variances~~ **the provisions of Article 4. Part D**, but may require additional notice requirements beyond those required for uses in other districts.

~~Section 15. Increased Cost of Compliance (ICC)~~

~~In order for buildings to qualify for a claim payment under ICC coverage as a “repetitive loss structure” the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood related damages on two occasions during a 10 year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty five percent (25%) of the market value of the building at the time of each such flood event.~~

Section 22. Map Maintenance Activities

To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Noblesville flood maps, studies, and other data accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. Requirement to Submit New Technical Data

- 1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;**
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;**
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and Subdivision or large-scale development proposals requiring the establishment of base flood elevations.****
- 2. It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revisions and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA for (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.**
- 3. The Floodplain Administrator shall require a Conditional Letter of Map revision prior to the issuance of a flood development permit for proposed floodway encroachments that increase the base flood elevation.**

4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

B. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Noblesville and may be submitted to FEMA at any time.

C. Annexation/Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Noblesville 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 Hamilton County, Indiana and Incorporated Areas Flood Insurance Rate Map accurately represent the City of Noblesville boundaries, include within such notification a copy of a map of the City of Noblesville suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Noblesville has assumed or relinquished floodplain management regulatory authority.

Section 16~~23~~. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the City of Noblesville, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

Section 17~~24~~. Compliance

- A. No structure shall hereafter be located, extended, converted, or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations.
- B. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- C. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

Section 25. Abrogation and Greater Restrictions

This Part G is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Part and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 26. Interpretation

In the interpretation and application of this Part G all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. h

Section 27. Violations

Failure to comply with the provisions of this ordinance, obtain a permit, comply with the requirements of a permit, or conditions of a variance ~~will be considered a willful act to increase flood damages~~ shall be deemed to be a violation of this ordinance. ~~The owner will be notified by the Planning Department that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended. In addition, the owner is in~~ All violations shall be considered a common nuisance and are violation of the provisions of this ordinance and therefore subject to the penalties and provision remedies described in of Article 15, Section 7. Planning Staff shall inform the owner in the written notice that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended. Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

A. Stop Work Orders

1. Upon notice from the Floodplain Administrator, work on any building, structure, or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
2. Such notice shall be in writing and shall be given to the owner of the property, or to his agent or to the person doing the work and shall state the conditions under which work may be resumed.

B. Revocation of Permits

1. The Floodplain Administrator may revoke a permit or approval, issued under the provisions of this ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
2. The Floodplain Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

UDO § Article 15, Section 7. Penalties and Remedies for Violations

Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, conditional uses, or planned developments shall constitute a common nuisance. Any person convicted of violating this Ordinance may either be fined, in accordance with Appendix A, Fee Schedule. In addition, any person convicted of violating this Ordinance shall pay all costs and expenses, including the City and Department's attorneys' fees, related to adjudicating the offense.

UDO § Article 15, Section 8. Separate Offense

Each day a violation of this Ordinance continues after receipt of a notice of violation pursuant to this Article 15 shall be considered a separate offense.

UDO § Appendix B.A.

Section 1. Site Plan Review

Applications for site plan review shall contain the information listed under Article 4.B, for the Site Plan Review as required, and the following additional requirements:

A. The application for site plan shall be signed by the owner attesting to the accuracy of all information supplied by the application. The following information is the minimum required:

1. Name, address, and phone number(s) of applicant.
2. Legal description of property.
3. Existing and/or proposed use.
4. Zoning District.
5. Plans in duplicate drawn to scale showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of the existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration. (Plot plan.)
6. Building heights.
7. Number of dwelling units, if applicable.
8. Number of off-street parking spaces and/or loading berths, if applicable.
9. Landscape Plan, in accordance with Article 12 of this Ordinance, if applicable.
10. Any other matters which may be necessary to determine conformance with and provide for the enforcement of this ordinance, as determined by the Director of Planning and Development or his representative.

B. In addition, all development activities located wholly within, partially within, or in contact with an identified special flood hazard area shall be required to submit additional information. Such application shall be made prior to the actual commencement of such construction. Such applications ~~site plans in any flood hazard area~~ shall include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities; and the location of the foregoing. Specifically, the following information is required, where applicable:

1. A site development plan showing existing and proposed development locations and existing and proposed land grades.
2. Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures with plumbing including, but not limited to, a restroom, kitchen, or other facilities requiring disposal of wastewater.
3. Plans showing ~~Elevation in relation to mean sea level~~ of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AE. Elevation should be in NAVD 88.
4. Plans showing ~~Elevation (in NAVD 88) relation to mean sea level~~ to which any non-residential structure ~~has been~~ will be floodproofed.
5. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in this ordinance;
6. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade.
7. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant.
8. Plans showing how any proposed structure will be anchored to resist flotation or collapse;

9. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities are designed and/or located to be above flood protection grade. Elevation should be in NAVD 88.
10. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to IDNR for approval. Once IDNR approval is obtained, a ~~and then to FEMA as a~~ Conditional Letter of Map Revision must be obtained prior to construction.
11. Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the nature of a proposed development or structure with respect to the requirements of this ordinance.
12. Indiana Department of Natural Resources approval for any construction in a floodway.