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- R. Projects Affecting Regulated Drains: Regulated drains are under the jurisdiction of the Hamilton county Drainage Board. The Hamilton County Drainage Board or Hamilton County Surveyor shall review and approve all development or projects directly affecting a regulated open ditch or tile per I.C. 36-9-27-13 of the Indiana Drainage Code.

6 7.11 **Floodplain Standards (FP)**

FP-01: Intent: The intent of floodplain standards are to protect from loss of property and maintain natural areas that help mitigate flooding downstream. Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to prevent any infilling of land in the floodplain, or constructing of any structures. The floodplain includes the channel, floodway, and floodway fringe of a 100 year flood. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration or best available information. The Zoning Administrator may require a petitioner to acquire a surveyor or engineer to determine the floodplain on a parcel of land.

Statement of Purpose: 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 Town Council adopts the following floodplain management regulations in order to accomplish the following: to prevent unwise developments from increasing flood or drainage hazards to others; to protect new buildings and major improvements to buildings from flood damage; to protect human life and health from the hazards of flooding; to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations; and to maintain property values and a stable tax base by minimizing the potential for creating flood-blighted areas.

All development shall be prohibited within the floodplain except as outlined below.

- A. The following uses shall be permitted, provided they are permitted by the underlying district:
- a. Agricultural uses such as crop production, pastures, orchards, tree farms, plant nurseries, vineyards, and general farming.
 - b. Forestry, wildlife areas and nature preserves.
 - c. Parks and recreational uses except golf course and driving range.
 - d. Public streets, bridges, and roadways.
- B. Uses permitted as a Special Exception are as follows:
- a. Unenclosed riding stables or trails,
 - b. Telephone exchange,
 - c. Utility substation ,
 - d. Public well,
 - e. Sewage treatment plant,
 - f. Water treatment plant,
 - g. Water management use facilities such as dams, docks, channel improvements, dikes, jetties, marinas, piers, wharves, levees, seawalls, floodwalls, and irrigation facilities.
 - h. Public/private parking areas of any type (grass, gravel, or paved),
 - i. Golf course,
 - j. driving range, and
 - k. Artificial lake - one (1) or more acres.
- C. An Improvement Location Permit is required if any structure or use (except farming activities other than the construction of structures) is proposed to be erected, any excavation opened, or any material deposited in the floodplain. The application for an Improvement Location Permit shall be accompanied by the following:
- a. A description of the proposed development.
 - b. Location of proposed development - sufficient to accurately pinpoint the property and structure in relation to existing roads and streams.

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- c. A legal description of the property site.
 - d. A site development plan showing existing and proposed structure locations and existing and proposed land grades.
 - e. Elevation of lowest floor (including basement) of all proposed structures.
 - f. Base flood elevations. If the stream or waterway is located outside the FEMA detailed study areas base flood elevations must be approved by IDNR.
- D. If the site is in the floodway the staff shall require the applicant to forward the application, along with all pertinent plans and specifications, to IDNR and apply for a permit for construction in a floodway. Under the provisions of IC 13-2-22 a permit from IDNR is required prior to any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation such as filling, grading, clearing, and paving, etc. undertaken before the actual start of construction of the building. No action shall be taken by the staff until a permit has been granted by IDNR granting approval for construction in a floodway. The staff may issue an Improvement Location Permit provided that the provisions contained in FP-01 of this Ordinance have been met.
- E. If the site is located in the floodway fringe, the staff may issue an Improvement Location Permit provided that the provisions contained in FP-01 of this Ordinance have been met.
- F. Facilities (nonresidential) may be constructed within the floodplain provided that the flood protection grade for all buildings shall be at least two (2) feet above the regulatory flood profile. Floodproofed nonresidential may also be constructed; provided, that the plans and necessary specifications are certified by a professional engineer or registered architect licensed to practice in the State of Indiana. A registered professional engineer or architect shall certify that below the flood protection grade the structure and attendant facilities are watertight and capable of resisting the effects of regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Also, on-site waste disposal systems may be permitted only when in accordance with the policies of the Hamilton County Health Department.
- G. The Zoning Administrator may require any or all of the following measures as conditions of approval of new construction:
- a. Retention or detention of stormwater runoff to minimize the increase in floodflows due to watershed urbanization.
 - b. Erosion and sedimentation control during construction projects to reduce siltation resulting in loss of channel carrying capacity.
 - c. Additional fill to reduce flood danger.
- H. Under no circumstance shall there be a net loss of flood water capacity. No development shall be permitted which acting alone or in combination with existing or future similar works will cause any increase in the elevation of the regulatory flood.
- I. The Cicero/Jackson Township Board of Zoning Appeals when hearing variance requests from this section of the Ordinance shall consider the following:
- a. The potential damage to personal property belonging to private individuals other than the property or building owner.
 - b. The increased hazard the proposed structure may cause to other structures and properties.
 - c. The potential risk to stranded individuals and rescue workers.
 - d. Whether the site is subject to more frequent flooding than the 100-year flood.
 - e. Whether there are other options for locating the structure.
 - f. The applicant shall demonstrate the necessity of the particular use or structure within the floodplain.
 - g. The applicant will demonstrate that there will be no net loss of flood storage capacity. All fill shall come from subject property in order to ensure flood water storage capacity.