

ORDINANCE NO. 24, 2015

AN ORDINANCE AMENDING ARTICLES, 4, 15, AND 18 OF THE
UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF VALPARAISO

WHEREAS, a petition was presented to amend articles 4, 15 and 18 of the Unified Development Ordinance (UDO); and

WHEREAS, the Plan Commission duly advertised and held a public hearing on the proposed hearing according to IC 5-3-1 and;

WHEREAS, the general public was given an opportunity to comment on the proposed changes to the ordinance and;

WHEREAS, the Plan Commission voted to recommend the approval of the proposed amendments by a 7-0 vote on September 8th, 2015;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

1. That Articles 4, 15 and 18 of the Unified Development Ordinance shall be amended as follows:

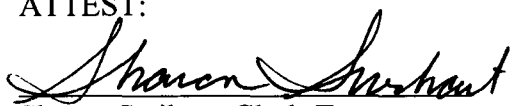
SEE ATTACHED EXHIBIT A

This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 7-0 vote of all members present and voting this 28th day of Sept, 2015.


Jon Costas, Mayor

ATTEST:


Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 28th day of Sept, 2015, at 8:10 o'clock p.m.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 28th day of Sept, 2015, at 8:10 o'clock p.m.

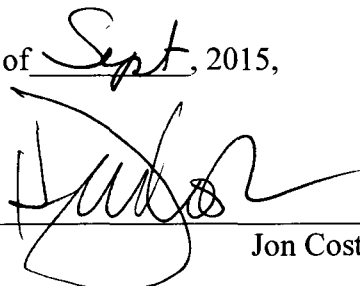

Jon Costas, Mayor

EXHIBIT A



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Division 4.500 Floodplain Management

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Sec. 4.501 Statutory Authorization, Findings of Fact, Purpose, and Objectives

A. **Statutory Authorization.** The Indiana Legislature has in I.C. 36-7-4 and I.C. 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the City does hereby adopt the following floodplain management regulations as part of this Unified Development Ordinance.

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B. Findings of Fact.

1. The flood hazard areas of the City 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.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately flood-proofed, or otherwise unprotected from flood damages.

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C. **Statement of Purpose.** It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging, and other development which may increase erosion or flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
6. Make federal flood insurance available for structures and their contents in the City by fulfilling the requirements of the National Flood Insurance Program.

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D. **Objectives.** The objectives of this section are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and

sewer lines, streets, and bridges located in floodplains;

6. To 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; and
7. To ensure that potential homebuyers are notified that property is in a flood area.

Sec. 4.502 General Provisions

- A. **Lands to which this Chapter Applies.** This chapter shall apply to all SFHAs and all known flood prone areas within the jurisdiction of the City.
- B. **Basis for Establishing Regulatory Flood Data.** This chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed in this subsection.
1. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the City shall be as delineated on the 1% annual chance flood profiles in the Flood Insurance Study of Porter County, Indiana and Incorporated Areas dated September 30, 2015 and the corresponding Flood Insurance Rate Map dated September 30, 2015 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
 2. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the City, delineated as an "A Zone" on the Porter County, Indiana and Incorporated Areas Flood Insurance Rate Map dated September 30, 2015 as well as any future 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, 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.
 3. 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 City's known flood prone areas 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.
 4. 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.
- C. **Establishment of Floodplain Development Permit.** A Floodplain Development Permit shall be required in conformance with the provisions of this section prior to the commencement of any development activities in areas of special flood hazard.
- D. **Compliance.** No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this section and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this section and other applicable regulations.
- E. **Abrogation and Greater Restrictions.** This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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F. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

1. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles 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 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 should be advised to apply for a LOMA.

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G. Interpretation. In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

H. Warning and Disclaimer of Liability. The degree of flood protection required by this section 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 section does not create any liability on the part of the City, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this section or any administrative decision made lawfully thereunder.

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I. Penalties for Violation. Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this section. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the municipal code for the City. The City's Floodplain Administrator may, for any violation of this chapter, levy a fine against the violator(s) of up to the maximum amount allowed by Chapter 37 of the Valparaiso Municipal Code for each occurrence. The violator shall pay the fine through the Local Ordinance Violations Bureau. The Floodplain Administrator may levy a fine for each and every day the violation is continued.

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1. A separate offense shall be deemed to occur for each day the violation continues to exist.
2. The Planning Commission shall inform the owner 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.
3. 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.

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Sec. 4.503 Provisions for Flood Hazard Reduction

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A. General Standards. In all SFHAs and known flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. 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;

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3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this section shall meet the requirements of "new construction" as contained in this section;
10. Parking lots, driveways, and sidewalks within the SFHA shall be constructed with permeable materials.
11. Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
 - a. The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.
 - b. Under certain circumstances, 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 in the same property in which the authorized fill or 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.
 - c. The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.
 - d. The fill or structure shall not obstruct a drainage way leading to the floodplain.
 - e. The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water.
 - f. The fill or 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.
 - g. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this section.

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B. **Specific Standards.** In all SFHAs, the following provisions are required:

1. In addition to the requirements of Sec. 4.503(A), General Standards, all structures to be 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 any structure having a floor area greater than 400 square feet.
 - b. Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).
 - c. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% 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 section does not apply to returning the 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.
 - g. Addition or improvement made to any existing structure with a previous addition or improvement constructed since the community's first floodplain ordinance.
2. **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including 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 4.503 B (4).
3. **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed above the FPG. 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 4.503 B (4) 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 pressures, and impacts from debris or ice. Such certification shall be provided to the floodplain administrator as set forth in 4.504B (12) Administration; and
 - b. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
4. **Elevated Structures.** New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space

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and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

- a. Provide a minimum of two openings located in a minimum of two exterior walls (having 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 exterior grade or the interior grade immediately beneath each opening, whichever is higher;
- c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
- d. Access to the enclosed area shall be the minimum necessary to allow for parking for 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);
- e. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms;
- f. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade;
- g. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
- h. Property owners shall be required to execute a flood opening/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 4.504 (B)(4). Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance. The affidavit shall be recorded in the office of the Porter County Recorder.
- i. Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor (where the interior height of the enclosure exceeds 6 feet) shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Porter County Recorder.

5. **Structures constructed on Fill.** A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

- a. The 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. The fill shall extend ten feet beyond the foundation of the structure before sloping below the BFE.
- c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.
- d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- e. The top of the lowest floor including basements shall be at or above the FPG.

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f. Fill shall be composed of clean granular or earthen material.

6. **Standards for Manufactured Homes and Recreational Vehicles.** 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:

a. These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood:

(i) 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.

(ii) 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 in 4.503 (B)(4).

(iii) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

b. These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:

(i) 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 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(ii) 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 in 4.503B (4).

(iii) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

c. Recreational vehicles placed on a site shall either:

(i) be on site for less than 180 days;

(ii) 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

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(iii) meet the requirements for "manufactured homes" as stated earlier in this section.

7. Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:

- a. Shall not be used for human habitation.
- b. Shall be constructed of flood resistant materials.
- c. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
- d. Shall be firmly anchored to prevent flotation.
- e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
- f. 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 in 4.503 (B) (4).

8. Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

C. Standards for Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres.
5. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
6. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

D. Critical Facility. 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. Critical 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.

E. Basis for Establishing Regulatory Flood Data. Located within SFHAs, established in 4.502(B), Basis for Establishing

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Regulatory Flood Data are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in 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 the provisions of I.C. 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 and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (I.C. 14-28-1-26 allows construction of non-substantial additions/improvements to residences in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)

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. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Sec. 4.503 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence. 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 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. For all projects involving channel modifications or fill (including levees) the City shall 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.

F. Standards for Identified Fringe. If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Sec. 4.503 Provisions for Flood Hazard Reduction, of this Unified Development Ordinance 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 FPG.

G. Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes.

1. Drainage area upstream of the site is greater than one square mile. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and 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 by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the 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 construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development

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Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Sec. 4.503, Provisions for Flood Hazard Reduction, of this Unified Development Ordinance have been met.

2.Drainage area upstream of the site is less than one square mile. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and 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 Floodplain Development Permit, provided the provisions contained in Sec. 4.503, Provisions for Flood Hazard Reduction, of this Unified Development Ordinance have been met.

The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not increase the regulatory flood more than 0.14 of one foot and shall not increase flood damages or potential flood damages.

H.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 per 4.503.

Sec. 4.504 Administration

A. Designation of Administrator. The Common Council of the City of Valparaiso hereby appoints the Engineering Department to administer and implement the provisions of this ordinance and designate an individual to be referred to as the Floodplain Administrator.

B.Duties and Responsibilities of the Floodplain Administrator. The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose. and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

1.Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied.

2.Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.

3.Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to 4.503 (E) & (G) 1 of this ordinance, and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

4.Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.

5.Maintain and track permit records involving additions and improvements to residences located in the floodway.

6.Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of

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City of Valparaiso

Unified Development Ordinance

ARTICLE 15 PERMITS AND PROCEDURES

DIVISION 15.100 PURPOSE

Sec. 15.101 Purpose

The purpose of this Article is to set out all of the City's development approval procedures in one place, and to standardize them to the maximum degree allowed by Indiana law.

DIVISION 15.200 PERMITS AND APPROVALS

Sec. 15.201 Permit Requirement

Permits are required for development within the City of Valparaiso. The required permits are set out in this Division.

Sec. 15.202 Administrative Permits

A. Zoning Clearance Permit.

1. A zoning clearance permit is required for approval of use, site improvements, landscaping, and architecture. Zoning clearance precedes a building permit, but may also be required in instances in which a building permit is not required.
2. The Planning Director issues zoning clearance permits upon a finding of compliance with this UDO.

B. Floodplain Permit.

1. A floodplain permit is required prior to the commencement of any development within the floodplain. A floodplain permit does not authorize construction, but only certifies compliance with the floodplain regulations in **Division 4.500, Floodplain Management**. For property located in a floodplain, the floodplain permit is a prerequisite for other development permits.
2. The Floodplain Administrator issues Floodplain Permits upon a finding of compliance with **Division 4.500, Floodplain Management**, and assurance that all other required State and Federal permits are obtained.

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C. Site Permit.

1. A site permit is required prior to the commencement of any clearing, grading, excavation, fill, land disturbing activity, or construction of any site improvement, ~~except with regard to~~

~~the construction of a single-family home on a single-family lot in an improved subdivision.~~

Accordingly, for many types of development, a site permit is issued before or concurrently with a building permit. By way of example and not limitation, development activities that require a site permit include, but are not limited to:

- a. Tree removal in excess of:
 - i. Three non-exempt trees within a one calendar year period; or
 - ii. If the parcel or lot contains more than one acre of tree canopy, three non-exempt trees per acre within the tree canopy within a one calendar year period.
 - b. Any land disturbing activities that involve 3,000 square feet or more of land.
 - c. Land disturbing activities that involve less than 3,000 square feet of land, but sites are immediately adjacent to a storm sewer inlet, ditch, stream, wetland water courses, and/or are on ground with a slope of six percent or greater.
 - d. Any excavation, fill, or earthmoving involving an earthwork quantity greater than 10 cubic yards.
 - e. Construction, paving, or re-paving of any driveway, private street, parking lot, sidewalk or path.
 - f. Construction of any paved surface larger than 100 square feet in area.
 - g. Construction or installation of any sewer, pipe, swale, or ditch for drainage purposes, except footing tiles or roof drainage interior to a structure.
 - h. Installation of any exterior lighting for any site or use except single-family, duplex, twin home, or three-plex units.
2. The City Engineer issues site permits upon a finding of compliance with this UDO and any other applicable regulations that the City Engineer has been delegated the responsibility to enforce. Where appropriate, the Erosion Control Permit, the Right-of-Way Cut Permit, and/or the Sanitary Sewer Permit may be incorporated into the Site Permit process and form at the discretion of the City Engineer.
 3. All permits require the applicant to:
 - a. Notify the City Engineer at least 24 hours before beginning any land disturbing activity.
 - b. Obtain the permission of the City Engineer before modifying the erosion control plan.
 - c. Install and maintain all erosion control measures as identified in the erosion control plan.
 - d. Maintain all road drainage systems, storm water drainage systems and other facilities as identified in the erosion control plan.
 - e. Remove sediment resulting from land disturbing activities from adjacent surfaces and/or drainage courses.
 - f. Allow the Engineering Department to enter the site to verify compliance with the erosion control plan or to perform any work necessary to bring the site into compliance with the erosion control plan.
 - g. Submit a revised plan for approval if the nature of the project changes from that proposed under the permit.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following 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:

A. Application Stage.

1. A description of the proposed development;
2. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams;
3. A legal description of the property site;
4. A site development plan showing existing and proposed development locations and existing and proposed land grades;
5. Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
6. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed;
7. Description of the extent to which any watercourse will be altered or related as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision.

B. Construction Stage. Upon establishment of the lowest floor of an elevated structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct 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. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk.

Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the applicant to submit to the Floodplain Administrator a floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer and certified by same. (The Floodplain Administrator shall review the floodproofing certification submitted) The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make correction required shall be cause to issue a stop-work order for the project.

C. Finished Construction. Upon completion of construction, an elevation certification (FEMA Elevation Certificate Form 81-31 or any future updates) which depicts the "as-built" lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification (FEMA Floodproofing Certificate Form 81-65 or any future updates) is required to be submitted by the applicant to the Floodplain Administrator.

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Sec. 15.705 Floodplain Variance

- A. **Designation of Variance and Appeals Board.** The Board of Public Works and Safety as established by Common Council of the city shall hear and decide appeals and requests for variances from floodplain management provisions of this UDO.
- B. **Duties of Variance and Appeals Board.** The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this section. Any person aggrieved by the decision of the Board may appeal such decision as provided in I.C. 36-7-4 et seq., as amended.
- C. **Variance Procedures.** In passing upon such applications, the Board of Public Works and Safety shall consider all technical evaluations, all relevant factors, all floodplain management standards specified in other sections of this UDO:
1. The danger of life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The importance of the services provided by the proposed facility to the community;
 4. The necessity to the facility of a waterfront location, where applicable;
 5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 6. The compatibility of the proposed use with existing and anticipated development;
 7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 9. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and
 10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- D. **Conditions for Variances.**
1. Variances shall only be issued 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; and
 - 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 subject to Sec. **4.503(E) and (G)(1)**, of this Unified Development Ordinance may be granted.
3. Any variance granted in a floodway subject to Sec. **4.503(E) and (G)(1)**, of this Unified Development Ordinance will require a permit from the Indiana Department of Natural Resources.
4. Variances to the provisions for Flood Hazard Reduction of Sec. **4.503(B)**, may be granted only when a new structure 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 of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
7. Any application to which a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See division (E) of this section).
8. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See division (E) of this section).

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- E. **Variance Notification.** Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
1. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
 3. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.
- F. **Historic Structure.** Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- G. **Special Conditions.** Upon the consideration of the factors listed in this section, and the purposes of this section, the Board of Public Works and Safety may attach such conditions to the granting of variances as it deems necessary to further the purposes of the floodplain management provisions of this UDO.

Sec. 15.706 Special Uses

City of Valparaiso Unified Development Ordinance

DIVISION 18.300 FLOODPLAIN AND STORMWATER MANAGEMENT

DEFINITIONS

For purposes of the floodplain and stormwater management provisions of this Unified Development Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A - D

A Zone. Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A ZONES, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM.

Zone A. Areas subject to inundation by the 1% annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

Zone AE and A1-A30. Areas subject to inundation by the 1% annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO. Areas subject to inundation by 1% annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AH. Areas subject to inundation by 1% annual chance shallow flooding (usually areas of ponding) where average depths are one to three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AR. Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

Zone A99. Areas subject to inundation by the 1% annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

Accessory Structure. (appurtenant structure). A structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal

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initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing structure). Any 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.

Agricultural land disturbing activity. Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For purposes of this rule, the term does not include land disturbing activities for the construction of agricultural related facilities, such as barns, buildings to house livestock, roads associated with infrastructure, agricultural waste lagoons and facilities, lakes and ponds, wetlands; and other infrastructure.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this section.

Area of Shallow Flooding. A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood. The flood having a 1% chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE). The elevation of the 1% annual chance flood.

Basement. The portion of a structure having its floor sub-grade (below ground level) on all sides.

Best Management Practices. Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volumes, prevent erosion, and capture pollutants.

Building. See Structure.

Community. A political entity that has the authority to adopt and enforce floodplain provisions for the area under its jurisdiction.

Community Rating System (CRS). A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Construction Activity. Land disturbing activities, and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.

Construction Plan. A representation of a project site and all activities associated with the project. The plan includes the location of the project site, buildings and other infrastructure, grading activities, schedules for implementation and other pertinent information related to the project site. A stormwater pollution prevention plan is a part of the construction plan.

Critical Facility. A facility 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, emergency

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response installations, installations which produce, use or store hazardous materials or hazardous waste.

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Culvert. A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal or other impediment.

Depressional Storage Areas. Non-riverine depressions in the earth where stormwater collects. The volumes are often referred to in units of acre-feet.

Detention Facility. A facility designed to detain a specified amount of stormwater runoff assuming a specified release rate. The volumes are often referred to in units of acre-feet.

D Zone. The unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone.

Development.

- A. Any man-made change to improved or unimproved real estate including but not limited to:
1. Construction, reconstruction, or placement of a structure or any addition to a structure;
 2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
 3. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
 4. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
 5. Mining, dredging, filling, grading, excavation, or drilling operations;
 6. Construction and/or reconstruction of bridges or culverts;
 7. Storage of materials; or
 8. Any other activity that might change the direction, height, or velocity of flood or surface waters.
- B. Development does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing, resurfacing roads, gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Discharge. Usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.

Drainage Area. The area draining into a stream at a given point. It may be of different sizes for surface runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the drainage area.

E - G

Elevated Structure. A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations, pilings, or columns (posts and piers).

Elevation Certificate. A certified statement that verifies a structure's elevation information.

Emergency Program. The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Encroachment. The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Erosion and Sediment Control Measure. A practice, or a combination of practices, to control erosion and resulting sedimentation, and/or off-site damages.

Erosion and Sediment Control System. The use of appropriate erosion and sediment control measures to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, trapping sediment to prevent it from being discharged from or within a project site.

Existing Construction. Any structure for which the start of construction commenced before the effective date of the community's first floodplain provision.

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, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain provision.

Expansion to 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 the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. The Federal Emergency Management Agency.

Filter Strip. A long, relatively narrow area (usually, 20-75 feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses, reservoirs, or adjacent properties.

Five-Hundred Year Flood (500-Year Flood). The flood that has a 0.2% chance of being equaled or exceeded in any year.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM). An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Insurance Rate Map (FIRM). An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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 "Flood")

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Deleted: Flood Hazard Boundary Map (FHBM). An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

Flood Protection Grade (FPG). The elevation of the regulatory flood plus two feet at any given location in the SFHA (See "Freeboard")

Floodplain. The channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, 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 section and other provisions of this Unified Development Ordinance, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodproofing (dry floodproofing). A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the 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.

Floodproofing Certificate. A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional 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.

Freeboard. A factor of safety, usually expressed in feet above the 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. Those portions of the floodplain lying outside the floodway.

Grading. The cutting and filling of the land surface to a desired slope or elevation.

H - P

Hardship. (as related to variances of this chapter) The exceptional hardship that would result from a failure to grant the requested variance. The Common Council requires that the variance is 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 the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

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Deleted: Flood Protection Grade (FPG). The elevation of the regulatory flood plus two feet at any given location in the SFHA. See Freeboard.¶

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Deleted: Functionally Dependent Facility. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.¶

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Historic Structure. Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Increased Cost of Compliance (ICC). The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Infiltration. Passage or movement of water into the soil.

Inlet. An opening into a storm drain system for the entrance of surface stormwater runoff, more completely described as a storm drain inlet.

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Land-Disturbing Activity. Any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting and grading.

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 include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F).

Letter of Map Amendment (LOMA). An amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

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.

Letter of Map Revision Based on Fill (LOMR-F). An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

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. The lowest elevation described among the following:

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- A. The top of the lowest level of the structure;
- B. The top of the basement floor;
- C. The top of the garage floor, if the garage is the lowest level of the structure;
- D. The top of the first floor of a structure elevated on pilings or pillars;
- E. The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - 1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings

Deleted: <#>The top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of this Unified Development Ordinance; or¶

(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.~~

2. ~~The total net area of all openings shall be at least one (1) square inch for every one 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 walls immediately beneath each opening, whichever is higher.~~

3. Such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured Home. 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 contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value. The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

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.

Municipal Separate Storm Sewer System (MS4). An MS4 is a conveyance or system of conveyance that is:

- A. Owned by a state, city, town, village, or other public entity that discharges to waters of the U.S.;
- B. Designed or used to collect or convey stormwater;
- C. Not a combined sewer; and
- D. Not part of a Publicly Owned Treatment Works (POTW).

National Flood Insurance Program (NFIP). The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

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

National Pollution Discharge Elimination System (NPDES). A permit developed by the U.S. EPA through the Clean Water Act. NPDES permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. In Indiana, the permitting process has been delegated to IDEM. ~~This permit covers aspects of municipal stormwater quality.~~

New Construction. Any structure for which the start of construction commenced after the effective date of the community's first floodplain provision.

New 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 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 provision.

Deleted: having a total net area of one square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one foot above grade; and

Deleted: Map Amendment. A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).¶
Map Panel Number. The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)¶

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North American Vertical Datum of 1988 (NAVD 88). As adopted in 1993, is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Comment [11]: Remove as the Boundary River Floodway Definition is not included herewith

Obstruction. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, 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-Hundred Year Flood (100-Year Flood). The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter "A" is subject to the 1% annual chance flood. See Regulatory Flood.

One-Percent Annual Chance Flood. The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter "A" is subject to the 1% annual chance flood. See Regulatory Flood.

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Outlet. The point of water disposal from a stream, river, lake, tidewater, or artificial drain.

Participating Community. Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Physical Map Revision. (PMR). 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 elevations or SFHAs.

Public Safety and Nuisance. Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Deleted: Post-FIRM Construction.

Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.¶

Pre-FIRM Construction. Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.¶

Probation. A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.¶

Q - Z

Recreational Vehicle. A vehicle that is the following:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Redevelopment. Alterations of a property that change a site or building in such a way that there is disturbances of one acre or more of land. The term does not include such activities as exterior remodeling.

Regular Program. The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulated Drain. A drain subject to the provisions of the Indiana Drainage Code, I.C.-36-9-27.

Regulatory Flood. The flood having a 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 **Sec. 4.502, General Provisions**. The Regulatory Flood is also known by the terms: Base Flood, One-Percent Annual Chance Flood and 100-Year Flood.

Release Rate. The amount of stormwater release from a stormwater control facility per unit of time.

Repetitive Loss. Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

Retention Facility. A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration or pumping. The volumes are often referred to in units of acre-feet.

Runoff. The portion of precipitation that flows from a drainage area on the land surface, in open channels, or in stormwater conveyance systems.

Section 1316. The section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Sediment. Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

Sedimentation. The process that deposits soils, debris and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.

Special Flood Hazard Area (SFHA). Those lands within the jurisdiction of the City of Valparaiso subject to inundation by the regulatory flood. The SFHAs of the City of Valparaiso are generally identified as such on the Porter County, Indiana and Incorporated Areas Flood Insurance Rate Map dated September 30, 2015, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. The SFHAs of those parts of unincorporated Porter County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the Flood Insurance Rate Map prepared for Porter County by the Federal Emergency Management Agency and dated September 30, 2015, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, AI - A30, AH, AR, A99, or AO).

Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the

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Comment [12]: Please reword as follows: Special Flood Hazard Area (SFHA) means those lands within the jurisdiction of the City of Valparaiso subject to inundation by the regulatory flood. The SFHAs of the City of Valparaiso are generally identified as such on the Porter County, Indiana and Incorporated Areas Flood Insurance Rate Map dated September 30, 2015 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO).
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Deleted: (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Storm Event. An estimate of the expected amount of precipitation within a given period of time. For example, a 10-year frequency, 24-hour duration storm event is a storm that has a 10 percent probability of occurring in any one year.

Stormwater Drainage System. All means, natural or man-made, used for conducting stormwater to, through or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets and pumping stations.

Stormwater Facility. All ditches, channels, conduits, levees, ponds, natural and manmade impoundments, wetlands, tiles, swales, sewers and other natural or artificial means of draining surface and subsurface water from land.

Stormwater Management Facility. A device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release, or the velocity of flow.

Stormwater Pollution Prevention Plan. A plan developed to minimize the impact of stormwater pollutants resulting from construction activities.

Structure. A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% 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. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a historic structure, provided that the alteration will not preclude the structures continued designation as a historic structure.

Suspension. The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Swale. An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct stormwater into primary drainage channels and may provide some groundwater recharge.

Tributary. Based on the size of the contributing drainage area, a smaller watercourse which flows into a larger watercourse.

Urban Drain. A drain defined as "Urban Drain" in Indiana Drainage Code.

Variance. A grant of relief from the floodplain management provisions of this Unified Development Ordinance, which permits construction in a manner otherwise prohibited where specific enforcement would result in unnecessary hardship.

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Violation. The failure of a structure or other development to be fully compliant with this section. A structure or other development without the elevation, other certification, or other evidence of compliance required in this section is presumed to be in violation until such time as that documentation is provided.

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.

Water Surface Elevation. The height, in relation to the North American Vertical Datum of 1988 (NAVD 88), or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Weir. A channel-spanning structure for measuring or regulating the flow of water.

X Zone. The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual probability of flooding is less than 0.2%.

Zone. A geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

Zone A. See definition for A ZONE.

Zone B, C, AND X. Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

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