

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2025-02**

**AN ORDINANCE AMENDING AND RESTATING CHAPTER 151 OF
THE TOWN CODE TO PROVIDE UPDATED FLOODPLAIN
MANAGEMENT REQUIREMENTS TO BE KNOWN AS THE “FLOOD
DAMAGE PREVENTION CODE” FOR THE TOWN OF WHITELAND,
INDIANA**

WHEREAS, the Indiana Department of Natural Resources (“DNR”) has directed that all local floodplain management requirements be updated to comply with current State and Federal requirements;

WHEREAS, the Whiteland Town staff and Town attorney have prepared an amended and restated version of Chapter 151 of the Town Code to provide updated floodplain management requirements to be known as the Flood Damage Prevention Code of the Town of Whiteland, Indiana, which is attached hereto and incorporated herein as Exhibit A (the “Flood Damage Prevention Code”), which is consistent with the requirements of the DNR;

WHEREAS, the Whiteland Advisory Plan Commission (“Commission”) conducted a public hearing on the Flood Damage Prevention Code;

WHEREAS, the Commission, after paying reasonable regard to 1) the Whiteland Comprehensive Plan, 2) the current conditions and the character of the current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the jurisdiction, and 5) responsible development and growth, has made a [favorable/unfavorable/no recommendation] recommendation regarding the proposed Flood Damage Prevention Code and has certified the same to the Whiteland Town Council (“Council”);

WHEREAS, the Council has considered the recommendation of the Commission and paid reasonable regard to items 1 thru 5 referred to above;

WHEREAS, the amendments herein are consistent with the following purposes, as required under I.C. 36-7-4-601(c):

- a. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
- b. Lessening or avoiding congestion in public ways;
- c. Promoting the public health, safety, comfort, morals, convenience, and general welfare; and
- d. Otherwise accomplishing the purposes of I.C. 36-7-4;

WHEREAS, the Council has given notice under I.C. 5-14-1.5-5 (the Open Door Law) of its intention to consider this ordinance; and

WHEREAS, the Council desires to amend and restate Chapter 151 of the Town Code to provide updated floodplain management requirements to be known as the Flood Damage Prevention Code of the Town of Whiteland, Indiana.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA, AS FOLLOWS:

Section 1. The Flood Damage Prevention Code attached hereto as Exhibit A is hereby approved and adopted, and Chapter 151 (Flood Hazard Areas) of the Whiteland Town Code is hereby amended, restated, and replaced with the provisions of the attached Flood Damage Prevention Code.

Section 2. The provisions of all other ordinances, resolutions, and the Whiteland Town Code in conflict with the provisions of the Flood Damage Prevention Code are of no further force or effect.

Section 3. If any part of this ordinance or the Flood Damage Prevention Code is held to be invalid, such part shall be deemed severable and its validity shall have no effect upon the remaining provisions of this ordinance or the Flood Damage Prevention Code.

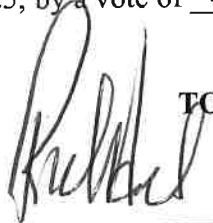
Section 4. The provisions set forth in this ordinance shall become and remain in full force and effect (until their repeal by ordinance, to the extent permitted by law) on the date of adoption of this ordinance as evidenced by the signature of the executive as prescribed by Indiana Code 36-5-2-10, subject to publication of this ordinance to the extent required by law.

[Signatures appear on the following page.]

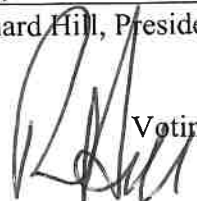
PASSED through first reading by the Town Council on the 11th day of February, 2025, by a vote of 5 in favor and 0 against.

DULY PASSED AND FINALLY ADOPTED on the 11th day of March, 2025, by a vote of 5 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL



Richard Hill, President




Voting In Favor

Voting Opposed

Richard Hill

Richard Hill



Debra L. Hendrickson

Debra L. Hendrickson

Joseph Sayler

Joseph Sayler

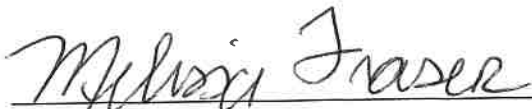
Brad Goedeker

Brad Goedeker

Tim Brown

Tim Brown

Attest:



Melissa A. Fraser, Clerk-Treasurer

Exhibit A

FLOOD DAMAGE PREVENTION CODE

[See attached]

CHAPTER 151: FLOOD DAMAGE PREVENTION CODE
GENERAL PROVISIONS AND DEFINITIONS

- 151.001 Statutory Authorization
- 151.002 Findings of Fact
- 151.003 Statement of Purpose
- 151.004 Methods of Reducing Flood Loss
- 151.005 Definitions
- 151.006 Lands to Which This Chapter Applies
- 151.007 Basis for Establishing the Areas of Special Flood Hazard
- 151.008 Establishment of Floodplain Development Permit
- 151.009 Compliance
- 151.010 Abrogation and Greater Restrictions
- 151.011 Discrepancy Between Mapped Floodplain and Actual Ground Elevations
- 151.012 Interpretation
- 151.013 Warning and Disclaimer of Liability
- 151.014 Penalties for Violation

ADMINISTRATION

- 151.025 Designation of Administrator
- 151.026 Floodplain Development Permit and Certification Requirements
- 151.027 Duties and Responsibilities of Floodplain Administrator
- 151.028 Administrative Procedures
- 151.029 Map Maintenance Activities
- 151.030 Variance Procedures

PROVISIONS FOR FLOOD HAZARD REDUCTION

- 151.034 Floodplain Status Standards
- 151.035 General Standards
- 151.036 Specific Standards
- 151.037 Standards for Subdivision Proposals and Other New Developments

151.038 Critical Facilities

151.999 Severability

GENERAL PROVISIONS AND DEFINITIONS

§ 151.001 STATUTORY AUTHORIZATION.

The Indiana Legislature has in I.C. 36-7-4 and IC 36-1-4-11 granted the power to local government units to control land use within their jurisdictions. Therefore, the Town Council of the Town of Whiteland does hereby adopt the following floodplain management regulations.

§ 151.002 FINDINGS OF FACT.

The flood hazard areas of the Town of Whiteland 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. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

§ 151.003 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:

- (A) Protect human life and health;
- (B) Minimize expenditure of public money for costly flood control projects;
- (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) Minimize prolonged business interruptions;
- (E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (F) 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 area;
- (G) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (H) Minimize the impact of development on adjacent properties within and near flood prone areas;

- (I) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (J) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (K) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (L) Meet community participation requirements of the National Flood Insurance Program.

151.004 METHODS OF REDUCING FLOOD LOSS

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

- (A) Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or in flood heights or velocities;
- (B) Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (C) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (D) Controlling, filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (E) Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards in other areas.

§ 151.005 DEFINITIONS.

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

A ZONE means the 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. The definitions are presented below:

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

ZONE AR means 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 means 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 means a structure with a floor area of 400 square feet or less that is located on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.

- (A) Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.
- (B) Examples of accessory structures include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.
- (C) The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP:
 1. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence.
 2. Structures used by the public, such as a place of employment or entertainment; and,
 3. Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples includes, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

ADDITION (TO AN EXISTING STRUCTURE) means 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.

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

APPEAL means a request for a review of the floodplain administrator's interpretation of any provision of this chapter, a request for a variance, or a challenge of a board decision.

AREA OF SPECIAL FLOOD HAZARD is the land within a community subject to a one percent (1%) or greater chance of being flooded in any given year.

BASE FLOOD means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood.

BASE FLOOD ELEVATION (BFE) means the water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum of 1988.

BASEMENT means that portion of a structure having its floor sub-grade (below ground level) on all sides.

BEST AVAILABLE FLOOD LAYER (BAFL) means floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the flood hazard is not identified on available floodplain mapping.

BUILDING. See **STRUCTURE.**

COMMUNITY means a political entity that has the authority to adopt and enforce floodplain ordinances for the areas within its jurisdiction.

CRITICAL FACILITY means 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, and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

DEVELOPMENT means, for floodplain management purposes, 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 a 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 boat lifts, docks, piers, and seawalls;
- (7) Construction and/or reconstruction of bridges or culverts;
- (8) Storage of materials; or
- (9) Any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting; re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

ELEVATED STRUCTURE means 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 (also called chain walls), pilings, or columns (posts and piers).

ELEVATION CERTIFICATE means a FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information..

ENCLOSED AREA (enclosure) is an area of a structure enclosed by walls on all sides.

ENCLOSURE BELOW THE LOWEST FLOOR (See "Lowest Floor" and "Enclosed Area.")

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means 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 ordinance.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK or SUBDIVISION means 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 means the Federal Emergency Management Agency.

FILL for floodplain management purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

FLOOD or FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

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

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) means 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 HAZARD AREA means areas subject to the one percent (1%) annual chance flood. (See “Special Flood Hazard Area”)

FLOOD INSURANCE RATE MAP (FIRM) means 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. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY (FIS) means the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM and the water surface elevation of the base flood.

FLOOD PRONE AREA means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See “Floodplain”)

FLOOD PROTECTION GRADE (FPG) is the Base Flood Elevation plus two (2) feet at any given location in the SFHA. (See FREEBOARD.)

FLOODPLAIN or FLOOD PRONE AREA means any land area susceptible to being inundated by water from any source. (See FLOOD.)

FLOODPLAIN MANAGEMENT means 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 means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power which control development in flood-prone areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING (DRY FLOODPROOFING) means 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 means a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the Flood Protection Grade.

FLOOD WAY is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FREEBOARD means a factor of safety, usually expressed in feet above the Base Flood Elevation, 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 or FLOOD FRINGE is the portion of the floodplain lying outside the floodway.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HARDSHIP (as related to variances of this chapter) means the exceptional hardship that would result from a failure to grant the requested variance. The Town of Whiteland Board of Zoning Appeals 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 means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSIS means analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

INTERNATIONAL CODE COUNCIL-EVALUATION SERVICE (ICC-ES) REPORT means a document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

LETTER OF FINAL DETERMINATION (LFD) means 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) is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:

- (1) **CONDITIONAL LETTER OF MAP REVISION (CLOMR)** means FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
- (2) **CONDITIONAL LETTER OF MAP REVISION BASED ON FILL (CLOMR-F)** means a letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.
- (3) **LETTER OF MAP AMENDMENT (LOMA)** means an amendment by letter to the currently effective FEMA map that establishes that a building or land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
- (4) **LETTER OF MAP AMENDMENT OUT AS SHOWN (LOMA-OAS)** means an official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
- (5) **LETTER OF MAP REVISION (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

- (6) **LETTER OF MAP REVISION BASED ON FILL (LOMR-F)** means FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

LOWEST ADJACENT GRADE means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

LOWEST FLOOR means, for floodplain management purposes, the lowest elevation described among the following:

- (1) The lowest floor of a building.
- (2) The basement floor.
- (3) The garage floor if the garage is connected to the building.
- (4) The first floor of a structure elevated on pilings or pillars.
- (5) 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 floodwaters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
 - a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters.
 - b. At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings.
- (6) The first floor of a building elevated on pilings or columns in a coastal high hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.

MANUFACTURED HOME means 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 means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

NATURAL GRADE for floodplain management purposes means the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.

NEW CONSTRUCTION for floodplain management purposes means any structure for which the “start of construction” commenced on or after the effective date of a floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK or SUBDIVISION means 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 ordinance.

NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) means, as adopted in 1993, the vertical control datum used as a reference for establishing varying elevations within the floodplain.

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-PERCENT ANNUAL CHANCE FLOOD is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. See REGULATORY FLOOD.

PHYSICAL MAP REVISION (PMR) is an official republication of a community's FEMA map to effect changes to base (1-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.

PREFABRICATED BUILDING is a building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.

PRINCIPALLY ABOVE GROUND means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

RECREATIONAL VEHICLE means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

REGULATORY FLOOD means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in § 151.007 of this chapter. The REGULATORY FLOOD is also known by the term BASE FLOOD, ONE-PERCENT ANNUAL CHANCE FLOOD, and 100-YEAR FLOOD.

REPETITIVE LOSS means flood-related damages sustained by a structure on two separate occasions during a ten-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.

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

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

SPECIAL FLOOD HAZARD AREA (SFHA), synonymous with “areas of special flood hazard” and floodplain, means those lands within the jurisdiction of the Town of Whiteland subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps and Flood Insurance Studies as Zones A, AE, AH, AO, A1-30, A99. The SFHA includes areas that are flood prone and designated from other federal, state or local sources of data including but not limited to best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

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 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 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 that alteration affects the external dimensions of the building.

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

SUBSTANTIAL DAMAGE means 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 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements.

VARIANCE is a grant of relief from the requirements of this chapter consistent with the variance conditions herein.

VIOLATION means the failure of a structure or other development to be fully compliant with this chapter.

WALLED AND ROOFED means a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

WATERCOURSE means 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.

X ZONE means 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 exceedance probability of flooding is less than 0.2%.

ZONE means 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 means 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.)

§ 151.006 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazard (SFHAs) and known flood prone areas within the jurisdiction of the Town of Whiteland, as identified in § 151.007, including any areas of special flood hazard annexed by the Town of Whiteland, Indiana.

§ 151.007 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

(A) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the Town of Whiteland, delineated as an "AE Zone" on the Johnson County, Indiana and Incorporated Areas Flood Insurance Rate Map dated August 2, 2007 shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of Johnson County, Indiana and Incorporated Areas, and the corresponding Flood Insurance Rate Maps (FIRM) dated August 2, 2007, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an "AE Zone", the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.

(B) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the Town of Whiteland, delineated as an "A Zone" on the Johnson County, Indiana and Incorporated Areas Flood Insurance Rate Map dated August 2, 2007, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer 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 flood layer 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.

(C) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.

(D) 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.

§ 151.008 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities in areas of special flood hazard. The cost of such permit is \$100.

§ 151.009 COMPLIANCE.

(A) No structure shall hereafter be located, extended, converted, or structurally altered within the SFHA without full compliance with the terms of this chapter and other applicable regulations.

(B) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

(C) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations.

§ 151.010 ABROGATION AND GREATER RESTRICTIONS.

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

§ 151.011 DISCREPANCY BETWEEN MAPPED FLOODPLAIN AND ACTUAL GROUND ELEVATIONS.

(A) In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.

(B) 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.

(C) If the natural grade elevation of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.

§ 151.012 INTERPRETATION.

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

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 151.013 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter 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 chapter does not create any liability on the part of the Town of Whiteland, the Indiana Department of Natural Resources,

or the State of Indiana, for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

§ 151.014 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 chapter. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the Town of Whiteland. All violations shall be punishable by a fine not exceeding \$300. In the event there is a conflict between this chapter and the nuisance ordinance, this chapter shall control.

(A) A separate offense shall be deemed to occur for each day the violation continues to exist.

(B) The Town of Whiteland Floodplain Administrator 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.

(C) Nothing herein shall prevent the Town of Whiteland from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

ADMINISTRATION

§ 151.025 DESIGNATION OF ADMINISTRATOR.

The Building Commissioner, or such other person as the Town Manager or the Director of Administration, as applicable, may designate, shall be responsible for the administration and implementation of the provisions of this chapter and is herein referred to as the Floodplain Administrator.

§ 151.026 FLOODPLAIN DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS

An application for a floodplain development permit shall be made to the Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans 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) For the reconstruction, rehabilitation, or improvement of an existing structure, or an addition to an existing building, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) structure;
- (5) A site development plan showing existing and proposed development locations and existing and proposed land grades;
- (6) A letter from a licensed professional surveyor or engineer noting that an elevation reference benchmark has been established or confirmed for those projects requiring elevations to be met;
- (7) Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
- (8) Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AE. Elevation should be in NAVD 88;
- (9) Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed;
- (10) Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade;
- (11) Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant;
- (12) Plans showing how any proposed structure will be anchored to resist flotation or collapse;
- (13) Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88;
- (14) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required, and any watercourse changes submitted to DNR for approval. Once DNR approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction. (See § 151.027(B)(9) and § 151.029 for additional information.)
- (15) Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this chapter.

(B) Construction Stage

Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator an elevation certificate, for the building under construction. Said certificate 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 elevation certificate submitted. The applicant shall correct deficiencies detected by such review before work is allowed to continue. 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.

(C) Finished Construction

- (1) Upon completion of construction of any structure requiring certification of elevation, an elevation certificate which depicts the "as-built" lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.
- (2) Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.
- (3) Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

§ 151.027 DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR.

(A) The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this chapter. The Floodplain Administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose.

(B) Duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:

- (1) Enforce the provisions of this chapter;
- (2) Evaluate all applications for permits to develop in special flood hazard areas to assure that the permit requirements of this chapter have been satisfied;
- (3) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information;
- (4) Issue permits to develop in special flood hazard areas when the provisions of this chapter have been met or refuse to issue the same in the event of noncompliance;
- (5) Advise permittee that additional Federal, State, and/or local permits may be required. If specific Federal, State, and/or local permits are known, ensure that all necessary federal, state, and/or local 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;

(6) Inspect and inventory damaged structures in the SFHA and conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas, must meet the development standards of this chapter;

(7) For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:

(a) Verify and document the market value of the pre-damaged or pre-improved structure;

(b) Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community;

(c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" for proposed work to repair damage caused by flood and evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage; and

(d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards in §§ 151.034-151.038 of this chapter are required.

(8) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;

(9) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to §§ 151.034(A), 151.034(C)(1), and 151.034(D), and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment);

(10) Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if § 151.027(B)(9) is applicable;

(11) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(12) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 151.026;

(13) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with § 151.026;

(14) Make on-site inspections of projects in accordance with § 151.028;

(15) Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds;

(16) Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen, or other facilities requiring disposal of wastewater;

(17) Provide information, testimony, or other evidence as needed during variance hearings;

(18) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with § 151.028;

(19) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this chapter in accordance with § 151.028;

(20) Coordinate map maintenance activities and associated FEMA follow-up in accordance with § 151.029;

(21) Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;

(22) Request any additional information which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this chapter.

(23) Maintain and track permit records involving additions and improvements to residences located in the SFHA or floodplain; and

(24) Review certified plans and specifications for compliance;

§ 151.028 ADMINISTRATIVE PROCEDURES

(A) **Inspections of Work in Progress.** As the work pursuant to a permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this chapter and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

(B) **Stop Work Orders.**

(1) Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease.

(2) Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed. The owner of the property shall pay a fee of \$100 before any resume work order may be issued.

(C) Revocation of Permits.

(1) The Floodplain Administrator may revoke a permit or approval, issued under the provisions of this chapter, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(2) The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

(3) Before any permit may be reissued after revocation, a fee of \$100 shall be paid.

(D) Floodplain Management Records.

(1) Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this chapter shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, Flood Insurance Rate Maps; Letter of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations required by this chapter; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this chapter.

(2) These records shall be available for public inspection at Town of Whiteland, 549 Main St., Whiteland, IN 46184.

(E) Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

§ 151.029 MAP MAINTENANCE ACTIVITIES

To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the Town of Whiteland flood maps, studies, and other data identified in § 151.007 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(A) Requirement to Submit New Technical Data

(1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

- (a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
- (b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
- (c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and Subdivision or large-scale development proposals requiring the establishment of base flood elevations.

(2) It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

(3) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.

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

(B) Right to Submit New Technical Data

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

(C) Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Town of Whiteland have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Johnson County, Indiana and Incorporated Areas Flood Insurance Rate Map accurately represent the Town of Whiteland boundaries, include within such notification a copy of a map of the Town of Whiteland suitable

for reproduction, clearly showing the new corporate limits or the new area for which the Town of Whiteland has assumed or relinquished floodplain management regulatory authority.

VARIANCE PROCEDURES

§ 151.030 VARIANCE PROCEDURES

(A) The Town of Whiteland Board of Zoning Appeals, as established by the Whiteland Town Council, shall hear and decide appeals and requests for variances from requirements of this chapter.

(B) The Board of Zoning Appeals 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 chapter. Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Johnson County Circuit Court.

(C) In considering such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- (1) The danger to life and property due to flooding or erosion damage;
- (2) The danger that materials may be swept onto other lands to the injury of others;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The compatibility of the proposed use with existing and anticipated development;
- (7) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (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;
- (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; and
- (11) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

(D) A written report addressing each of the above factors shall be submitted with the application for a variance.

(E) Variances from the provisions of this chapter shall only be granted when the board can make positive findings of fact based on evidence submitted at the hearing for the following:

- (1) A showing of good and sufficient cause;
- (2) A determination that failure to grant the variance would result in exceptional hardship, as defined in this chapter; and
- (3) 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.

(F) No variance for a residential use within a floodway subject to §§ 151.034(A), 151.034(C)(1), or 151.034(D) may be granted.

(G) Any variance granted in a floodway subject to §§ 151.034(A), 151.034(C)(1), or 151.034(D) will require a permit from the Indiana Department of Natural Resources. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(H) Variances to the Provisions for Flood Hazard Reduction of §§ 151.034 through 151.038 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.

(I) 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.

(J) Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.

(K) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(L) Upon consideration of the factors listed above and the purposes of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(M) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade 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.

(N) 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.

(O) **VARIANCE NOTIFICATION**. Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade 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 flood protection grade may result in increased premium rates for flood insurance; and

(2) Such construction below the flood protection grade increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Johnson County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(O) **SPECIAL CONDITIONS**. Upon the consideration of the factors listed in §§ 151.030(C), and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 151.034 FLOODPLAIN STATUS STANDARDS

(A) **Floodways (Riverine)**. Located within SFHAs, established in § 151.007, 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. Under the provisions of the Flood Control Act (IC 14-28-1) a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

(1) If the site is in a regulatory floodway as established in § 151.007, 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 approval for construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).

(2) No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development Permit shall meet the provisions contained in this article.

(3) The Floodplain Development Permit cannot be less restrictive than an approval issued for construction in a floodway issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.

(4) In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a

Conditional Letter of Map Revision and meeting requirements of § 151.029. A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.

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

(6) For all projects involving channel modifications or fill (including levees) the Town of Whiteland 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.

(B) Fringe (Riverine). If the site is in the fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in §§ 151.034-151.038 have been met.

(C) SFHAs without Established Base Flood Elevation and/or Floodways/Fringes (Riverine)

(1) Drainage area upstream of the site is greater than one square mile:

(a) 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.

(b) No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) 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.

(c) Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the

conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

- (2) Drainage area upstream of the site is less than one square mile:
 - (a) 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.
 - (b) Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this chapter have been met.

(D) SFHAs not Identified on a Map

(1) If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

(2) No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) 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.

(3) Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this chapter have been met.

§ 151.035 GENERAL STANDARDS.

In all areas of special flood hazard and known flood prone areas, the following provisions are required:

(A) All new construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvements made to any structure, shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(B) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;

(C) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(D) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, 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 for non-residential structures. Water and sewer pipes, electrical and telecommunication lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;

(E) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(H) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this chapter shall meet the requirements of "new construction" as contained in this chapter;

(I) 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;

(J) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this chapter applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development;

(K) Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3 ft. horizontal to 1 ft. vertical;

(L) Non-conversion agreements shall be required for all new or substantially improved elevated structures with an enclosure beneath the elevated floor, accessory structures, and open-sided shelters; and

(M) Construction of new solid waste disposal facilities, hazard waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in areas of special flood hazard.

§ 151.036 SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data or flood depths have been provided, as set forth in § 151.007, the following provisions are required:

(A) **Building Protection Requirement.** In addition to the general standards described in § 151.035, 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:

- (1) Construction or placement of a residential structure;
- (2) Construction or placement of a non-residential structure;
- (3) 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). An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes;
- (4) 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 (the costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost);
- (5) Installing a travel trailer or recreational vehicle on a site for more than 180 days;
- (6) Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
- (7) Reconstruction or repairs made to a repetitive loss structure.

(B) Residential Construction.

(1) New construction or substantial improvement of any residential structure shall meet the provisions described in §§151.034 and the applicable general standards described in §151.035.

(2) In **Zone A and Zone AE**, new construction or substantial improvement of any residential structure shall have the lowest floor, including basement, at or above the FPG. 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 §151.036(B)(3). Should fill be used to elevate a structure, the standards of §151.036(B)(4) shall be met.

(3) **Fully enclosed areas** formed by foundation or other exterior walls below the flood protection grade shall meet the following requirements:

- (a) Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional

(requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:

(i) Provide a minimum of two openings on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood openings in exterior walls, which openings shall have a total net area of not less than one square inch for every one square foot of enclosed area);

(ii) The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;

(iii) Doors and windows do not qualify as openings;

(iv) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

(v) 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;

(b) The floor of such enclosed area must be at or above grade on at least one side.

(4) **Structures constructed on fill.** A residential structure may be constructed on 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 (10) 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 feet horizontal to one foot vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(e) The fill shall be composed of clean granular or earthen materials.

(5) A residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(C) Non-residential construction.

(1) New construction or substantial improvement of any commercial, industrial, or non-residential structure (excluding accessory structures) shall meet the provisions described in § 151.034 and the applicable general standards described in § 151.035.

(2) In **Zone A and Zone AE**, new construction, or substantial improvement of any commercial, industrial, or non-residential structure (excluding accessory structures) shall either have the lowest floor, including basement, elevated to or above the FPG or be floodproofed to or 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 § 151.036(C)(4). Should fill be used to elevate a structure, the standards of § 151.036(C)(5) shall be met.

(3) **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirements:

(a) Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:

(i) 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). If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood openings in exterior walls;

(ii) The bottom of all openings shall be no more than one foot above the final interior grade (or floor) and the finished exterior grade immediately under each opening, whichever is higher;

(iii) Doors and windows do not qualify as openings;

(iv) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and

(v) 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. And

(b) The floor of such enclosed area must be at or above grade on at least one side.

(4) **Structures constructed on fill.** A nonresidential structure may be constructed on 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 (10) 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 feet horizontal to one foot vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties. And,

(e) The fill shall be composed of clean granular or earthen materials.

(5) A **nonresidential** structure may be **floodproofed** 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.

(b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(6) A non-residential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(D) Manufactured Homes and Recreational Vehicles.

(1) These requirements apply to all manufactured homes to be placed on a site in the SFHA:

(a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(b) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in § 151.036(C)(3).

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

(d) 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;

(2) Recreational vehicles placed on a site in the SFHA shall either:

(a) Be on site for less than 180 days and be fully licensed and ready for use on a public highway (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

(b) Meet the requirements for "manufactured homes" as provided in this chapter.

(E) Accessory structures.

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

(a) Shall have a floor area of 400 square feet or less;

(b) Use shall be limited to parking of vehicles and limited storage;

(c) Shall not be used for human habitation;

(d) Shall be constructed of flood resistant materials;

(e) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;

(f) Shall be firmly anchored to prevent flotation;

(g) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG;

(h) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in § 151.036(C)(3); and

(i) Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

(F) Free-standing Pavilions Gazebos, Decks, Carports, and Similar Development

(1) Within SFHAs, new construction or placement of free-standing pavilions, gazebos, decks, carports, and similar development must meet the following standards:

(a) Shall have open sides (having not more than one rigid wall);

(b) Shall be anchored to prevent flotation or lateral movement;

(c) Shall be constructed of flood resistant materials below the FPG;

(d) Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG;

(e) Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided development.

(G) **Above ground gas or liquid storage tanks.** All above ground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in § 151.036(C).

§ 151.037 STANDARDS FOR SUBDIVISION PROPOSALS AND OTHER NEW DEVELOPMENTS.

(A) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage;

(B) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed in such a way as to minimize flood damage;

(C) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards;

(D) In all SFHAs where base flood elevation data is not available, the applicant shall provide a hydrological and hydraulic engineering analysis that generates the base flood elevation for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), that are greater than the lesser of fifty (50) lots or five (5) acres, whichever is less in size;

(E) All subdivision proposals and all other proposed new development shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.

(F) All subdivision proposals and all other proposed new development shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

(G) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

§ 151.038 STANDARDS FOR CRITICAL FACILITIES.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. 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.

§ 151.999 SEVERABILITY.

If any section, subsection, clause, sentence, or phrase of this chapter is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.