

ORDINANCE NO. 09-26-16-A

AN ORDINANCE AMENDING SECTIONS OF THE HAMILTON  
COUNTY CODE CONCERNING FLOODPLAIN MANAGEMENT

WITNESS THAT:

WHEREAS, Article 8, Section 2 of the Hamilton County Zoning Ordinance sets forth standards for use of floodplains within the unincorporated portions of Hamilton County, Indiana; and,

WHEREAS, Article 9-27-17(f) of the Hamilton County Code sets forth standards for the use of floodplains within the unincorporated portions of Hamilton County, Indiana, and all areas within a municipality which lie within the drainage shed of a regulated drain; and,

WHEREAS, the Board of Commissioners of Hamilton County, based upon a recommendation of the Hamilton County Drainage Board, believes that Article 8, Section 2 of the Hamilton County Zoning Ordinance should be amended by deleting the existing language and amended to read, "The placement of fill within a floodplain shall be regulated pursuant to Article 9-27-17(f) of the Hamilton County Code; and,

WHEREAS, the Board of Commissioners further believe that Article 9-27-17(f) of the Hamilton County Code should be amended as set out herein.

IT IS THEREBY ORDAINED by the Board of Commissioners of Hamilton County that Article 8, Section 2 of the Hamilton County Zoning Ordinance is amended to read as follows:

"The placement of fill within a floodplain within Hamilton County is prohibited unless approved pursuant to Article 9-27-17(f) of the Hamilton County Code".

IT IS FURTHER ORDAINED by the Board of Commissioners of Hamilton County that Article 9-27-17(f) of the Hamilton County Code is amended to read as follows:

1. Article 9-27-17

(f) Floodplain management. The intent of floodplain management is to protect against loss of property, protect human life, and maintain natural areas that help mitigate flooding. Therefore, filling of land in the floodplain of any unincorporated part of Hamilton County and the drainage shed of any regulated drains is prohibited. Floodplain boundaries are to be determined by using the floodway-flood boundary maps of the Federal Insurance Administration/Federal Emergency Management Agency. The floodplain shall include floodway and floodway fringe areas.

(1) If a Federal Emergency Management Agency floodway-flood boundary map does not establish a 100-year water surface elevation, the 100-year water surface elevation shall be established as follows:

- a. By a site-specific recommendation from the state department of natural resources; or
- b. Through a site-specific engineering analysis performed by a registered professional engineer in the state and approved by the state department of natural resources.

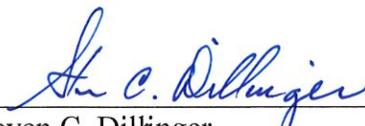
2. If the Hamilton County Drainage Board, upon consultation with the Hamilton County Surveyor, determines that a landowner's proposal to place fill in the floodplain will not result in a significant adverse effect upon the storage capacity of the floodplain being filled, the Hamilton County Drainage Board may permit a defined amount of fill within a floodplain for the

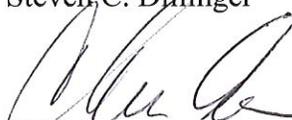
following uses; subject to such adequate mitigation as the Board, in its sole discretion, may require:

- a. Agricultural uses such as crop production, pastures, orchards, tree farms, planting nurseries, vineyards, and general farming.
  - b. Forestry, wildlife areas and nature preserves.
  - c. County, City, or Township Parks.
  - d. Public Streets, bridges, and roadways, as long as the crossing structure are properly sized to convey the natural stream or watercourse and not raise the 100 year BFE.
  - e. Regional Detention Basins approved by HCSO. (By definition, a regional pond is a pond that detains all tributary on-site and off-site flows upstream of its outlet.)
  - f. Other private activities.
3. This Ordinance shall be in full force and effect upon passage.

RECOMMENDED by the Hamilton County Drainage Board this 24<sup>th</sup> day of October, 2016.

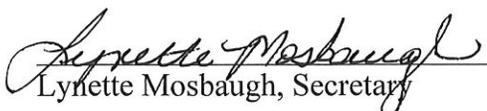
HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
Steven C. Dillinger

  
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Christine Altman

  
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Mark E. Heibrandt

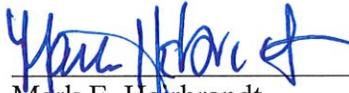
ATTEST:

  
\_\_\_\_\_  
Lynette Mosbaugh, Secretary

ALL OF WHICH IS ORDAINED this 14 day of <sup>November</sup>~~October~~, 2016.

BOARD OF COMMISSIONERS  
OF HAMILTON COUNTY

  
\_\_\_\_\_  
Christine Altman

  
\_\_\_\_\_  
Mark E. Herbrandt

  
\_\_\_\_\_  
Steven C. Dillinger

ATTEST:

  
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Dawn Coverdale, Auditor