

**COMMISSIONER'S MEETING**  
**February 25, 2013**

The Bartholomew County Commissioners met in regular session on February 25, 2013 in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Chairman Carl Lienhoop called the meeting to order at 10:00 a.m. Commissioners Larry Kleinhenz and Rick Flohr, County Attorney J. Grant Tucker and County Auditor Barbara Hackman were also in attendance. County Assessor Lew Wilson gave the prayer and led the Pledge of Allegiance.

Commissioner Kleinhenz made a motion to approve the February 18, 2013 minutes. Commissioner Flohr seconded the motion that passed unanimously.

The Commissioners Claims were presented for approval. Commissioner Kleinhenz made a motion to approve the Commissioners Claims as presented. Commissioner Flohr seconded the motion that passed unanimously.

Commissioner Kleinhenz read the New Permits Report from 2/18/13 to 2/22/13. Thirty (30) permits had been issued with a fee amount of \$3,589.00 and a valuation amount of \$1,900,080.

County Highway Superintendent Dwight Smith gave the weekly crew report. They patched roads, put up signs, picked up trash, ditched in Rockcreek Township, cut trees on 450 S., Sprague Road, 500 E., 600 S., 450 E. & 650 S., worked on gutters on a barn and cleared snow and ice. They used 522 tons of sand/salt mixture and 4 tons of salt.

Planning Director Jeff Bergman was present for the second reading of *An Ordinance Amending the Flood Hazard Area Standards of the Columbus & Bartholomew County Zoning Ordinance for the Jurisdiction of Bartholomew County.*

Mr. Bergman presented the following recommendations by the Columbus & Bartholomew County Flood Regulation Study Committee:

**Recommendation #1:**

**The City of Columbus and Bartholomew County should prohibit new development in the floodway of all streams.** The prohibition should include construction of new buildings, the placement of fill and any other obstructions to the flow of floodwater in these areas.

Exceptions (provided that all necessary IDNR approvals are obtained and all other Flood Hazard Area Standards are met):

1. Expansion of buildings and uses that are pre-existing in the floodway.
2. Construction of buildings and use of pre-existing lots that have been previously, specifically established for development. “Established” is defined as having an approved and unexpired preliminary plat.
3. Agricultural uses (pasture land, fields, etc. excluding all structures).
4. Wellfields, utility transmission lines and related infrastructure.
5. Nature preserve/conservation areas.
6. Marinas, boat ramps, fishing piers and other similar water-related recreation facilities.
7. Streets, roads, bridges, pedestrian paths and related infrastructure.
8. Mineral extraction operations.
9. Flood mitigation projects, regulated drain maintenance and other drainage improvement projects undertaken by a government entity.

**Recommendation #2**

**The City of Columbus and Bartholomew County should prohibit new critical and especially flood-sensitive facilities from locating in the 500-year floodplain.**

Critical/flood-sensitive uses shall include the following:

1. Nursing home/assisted living facility.
2. Animal shelter.
3. Correctional facility.

4. Day-care center (child or adult).
5. Hospital.
6. Institution for developmentally disabled/mentally ill.
7. Police, fire or rescue station.
8. School (grades pre-school through 12).

Exceptions (provided that all other Flood Hazard Area Standards are met): Expansion of buildings or other facilities associated with any of the above listed uses that are pre-existing in a 500-year floodplain.

### **Recommendation #3**

**The City of Columbus and Bartholomew County should make facilities that are potentially harmful to water quality and public health as a result of flooding conditional uses in the 500-year floodplain.** Through the conditional use review and approval process any such facility shall be required to provide plans for containment of all chemicals and other potential water-borne pollutants during a 500-year flood event.

These uses shall include the following:

1. Farm (CFO/CAFO types I and II). *(Note: CFO and CAFO refer to confined feeding operations where large quantities of animal waste are stored on-site.)*
2. Sewage treatment plant.
3. Gas station (and other similar fueling stations).
4. Dry cleaners (commercial).
5. Hazardous materials productions and/or bulk storage.
6. Waste disposal facility. *(Note: the term “waste disposal facility” includes incinerators, scrap metal yards, landfills, auto impound lots, and inoperable vehicle storage.)*

Exceptions (provided that all other Flood Hazard Area Standards are met): Expansion of buildings or other facilities associated with any of the above listed uses that are pre-existing in a 500-year floodplain.

### **Recommendation #4:**

**The City of Columbus and Bartholomew County should support the continued viability of buildings and uses in the 500-year floodplain, including the floodway, that are legal non-conforming (“grandfathered”).** Limitations on expanding, remodeling and repairing homes and businesses that are legal non-conforming should follow FEMA/IDNR minimum requirements, rather than having more restrictive standards for such properties imposed by the City or County. This specifically refers to

provisions such as those that prohibit repair of damaged floodplain structures in instances where the repairs exceed 40% of the structure's value. This is not intended to discourage additional regulation based on better data, such as the Haw Creek supplemental floodplain regulations.

**Recommendation #5:**

**The City of Columbus and Bartholomew County should be pro-active in updating floodplain maps to address specific known and/or suspected errors.** The FEMA/IDNR mapping process is designed to accommodate mass production and can be slow to detect and correct specific errors in the mapping of local streams. Local communities have the ability to conduct studies of area streams and advocate for those results to be incorporated into the FEMA/IDNR official floodplain maps. Columbus and Bartholomew County should use this process to advocate for the correction of any locally-known floodplain mapping errors.

**Recommendation #6:**

**The City of Columbus and Bartholomew County should prioritize minimizing impact on flooding as criteria in bridge design.** Bridge Design considers numerous factors, including cost and usability. Bridge design should also prioritize minimizing the impact of that bridge (including its guardrails) on future flooding, both in the immediate area and the watershed as a whole. The bridge design process should include careful review specifically with regard to impact on flooding. Both the City and County should also seek a standard higher than the current IDNR/FEMA requirements for minimizing bridge impact on flooding.

Chairman Lienhoop opened the Public Hearing. Hearing no comments, Chairman Lienhoop closed the Public Hearing. Mr. Bergman added that there have been eleven meetings discussing and analyzing and weighing the pros and cons of this ordinance. Commissioner Flohr made a motion to adopt the following ordinance on second reading. Commissioner Kleinhenz seconded the motion that passed unanimously.

**AN ORDINANCE AMENDING THE FLOOD HAZARD AREA STANDARDS OF THE COLUMBUS & BARTHOLOMEW COUNTY ZONING ORDINANCE FOR THE JURISDICTION OF BARTHOLOMEW COUNTY**

**Favorably Recommended by  
Bartholomew County Plan Commission General Resolution 2012-02**

**WHEREAS**, on February 4, 2008 the Board of Commissioners of Bartholomew County passed Ordinance No. 3, 2008 adopting a replacement zoning ordinance, including zoning maps, for the jurisdiction of the Bartholomew County; and

**WHEREAS**, the replacement zoning ordinance also includes the flood hazard area standards for the community; and

**WHEREAS**, Bartholomew County is required to adopt the minimum flood hazard area standards specified by the Indiana Department of Natural Resources in order for the County to participate in the National Flood Insurance Program and thereby make low-cost flood insurance available to local property owners; and

**WHEREAS**, local communities are permitted and encouraged by the Indiana Department of Natural Resources and the Federal Emergency Management Agency to adopt flood hazard area standards that exceed the minimum requirements based on the needs and circumstances of each community; and

**WHEREAS**, Bartholomew County has a history of adopting flood hazard area standards that exceed the required minimums in response to the circumstances and preferences of the community; and

**WHEREAS**, the Bartholomew County Plan Commission, in partnership with the City of Columbus Plan Commission, has convened a committee of local residents and elected and appointed officials to review the currently adopted flood hazard area standards and recommend any needed revisions; and

**WHEREAS**, after a one-year study process that included multiple public input opportunities and presentations on the various aspects of flooding and floodplain regulations the committee has recommended revisions to the flood hazard area regulations that more accurately represent the circumstances and preferences of the community and the local position on addressing the long-term risks from flooding; and

**WHEREAS**, this ordinance is intended to act on the committee's recommendations through appropriate revisions to the zoning ordinance's flood

hazard area standards as well as address other needed clarifications and updates; and

**WHEREAS**, this set of zoning ordinance revisions was prepared for the purposes described by IC 36-7-4-601(c); including (1) the securing of adequate light, air, convenience of access, and safety from fire, flood, and other danger; (2) lessening or avoiding congestion in public ways, and (3) promoting the public health, safety, comfort, morals, convenience, and general welfare; and

**WHEREAS**, the Bartholomew County Comprehensive Plan, adopted in a series of elements from 1999 through 2012, provides the policy guidance for the creation and revision of the zoning ordinance, including the flood hazard area standards; and

**WHEREAS**, the Bartholomew County Plan Commission did, on December 12, 2012, hold a legally advertised public hearing on the zoning ordinance revisions and has certified a favorable recommendation for their adoption to the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners has considered the criteria provided by IC 36-7-4-603; including (1) the Comprehensive Plan, (2) the current conditions in each district, (3) the most desirable use for land in each district, (4) the conservation of property values, and (5) responsible growth and development.

**NOW THEREFORE BE IT ORDAINED** by the Board of Commissioners of Bartholomew County, Indiana, as follows:

### **SECTION 1: Zoning Ordinance Flood Hazard Area Standards Amended**

The flood hazard area standards of the Columbus & Bartholomew County Zoning Ordinance, initially adopted as Ordinance 3, 2008, are amended for the jurisdiction of Bartholomew County as follows:

1. IDNR Model Ordinance Updates: Updates to the Indiana Department of Natural Resources model ordinance indicating the minimum flood hazard area standards are provided through the following:
  - a. Section 4.7(B) is revised for the term “Elevated Structure” to be defined as follows: “...solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings...”.

- b. Section 4.7(B) is revised to include the term “Flood Prone Area” which is defined as follows: “means any land area acknowledged by a community as being susceptible to inundation by water from any source. (see “Flood”).”
- c. Section 4.7(B) is revised for the term “Lowest Floor” to exclude item “e”, which is deleted with item “f” organized as the new item “e”. Further, the new item “e” is revised to read as follows: “...minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area...” and “The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher, and,”.
- d. Section 4.7(B) is revised for the term “Special Flood Hazard Area (SFHA)” to be defined as follows: “...on the Flood Insurance Rate Map of the City of Columbus, Indiana prepared by...” and “...on the Flood Insurance Rate Map of the County of Bartholomew, Indiana (Unincorporated Areas) prepared by...”.
- e. Section 4.7(C) is reorganized and revised as follows: subsection (2) becomes subsection (4), subsection (3) becomes subsection (5), subsection (5) becomes subsection (7), subsection (6) becomes subsection (8), subsection (7) becomes subsection (2), subsection (8) becomes subsection (6); subsection (4) is deleted; a replacement subsection (3) is added and reads “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”. Also, in Section 4.7(B), the definition of “Regulatory Flood” is revised to reference Section 4.7(C)(2).
- f. Section 4.7(C)(2)(a) is revised to read as follows: “...in the Flood Insurance Study of the City of Columbus, Indiana...”
- g. Section 4.7(C)(2)(b) is revised to read as follows: “...in the Flood Insurance Study of the County of Bartholomew, Indiana (Unincorporated Areas)...”.
- h. Section 4.7(C)(2)(c) is deleted and replaced with the following: “The regulatory flood elevation, floodway, and fringe limits for each of the

SFHAs and 500-year floodplains within the jurisdictions of the City of Columbus and Bartholomew County delineated as an “A Zone” on the FIRMs of the City of Columbus, Indiana and the County of Bartholomew, Indiana (Unincorporated Areas) prepared by the Federal Emergency Management Agency and dated January 5, 1996 and March 15, 1982 respectively shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile (or an engineering analysis if the drainage area for the subject site is less than one square mile (see Section 4.7(K)).”

- i. Section 4.7(C)(2)(d) is added as follows: “In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community’s known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile (or an engineering analysis if the drainage area for the subject site is less than one square mile (see Section 4.7(K)).”
- j. Section 4.7(C)(9) is revised to add the following subsections: “(a) The floodplain administrators shall inform the property 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” and “(b) Nothing in this Chapter shall prevent the City of Columbus or Bartholomew County from taking any other lawful action to prevent or remedy any violations. All costs connected with that action shall be reimbursed by the person or persons responsible.”
- k. Section 4.7(D)(1) is deleted with subsections (a) and (b) relocated in their entirety as subsections 4.7(C)(3)(a) and (b). The corresponding margin note is also relocated to the appropriate page containing the relocated provisions. Also, subsections 4.7(D)(2) and (3) are renumbered as appropriate.
- l. Section 4.7(D)(3) (renumbered as subsection 2 as described above) is revised to relocated subsection (j) as subsection (h) with present subsections (h) and (i) reordered as appropriate.

- m. Section 4.7(E) is revised to read as follows: “In all SFHAs, known flood prone areas and 500-year floodplain areas...”. Further, Section 4.7(E) is revised to delete the 2<sup>nd</sup> and 3<sup>rd</sup> sentences and relocate them respectively as subsections 4.7(E)(9) subtitled as “Alteration of Structures in Compliance” and (10) “Alteration of Structures not in Compliance”.
- n. Section 4.7(E)(5) is revised to read as follows: “Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.”
- o. Section 4.7(F)(1)(b) is deleted and replaced with the following:
  - b. Addition or improvement to any existing structure:
    - i. 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);
    - ii. with a previous addition or improvement constructed since the adoption of the first floodplain ordinance for the applicable jurisdiction (City or County).
- p. Section 4.7(F)(1)(c) is revised to read as follows: “...to a damaged structure where the costs of restoring the structure to it’s before damaged condition equals or exceeds...”.
- q. Section 4.7(F)(3) is revised to read as follows: “...or non-residential structure (or manufactured home) shall either have the lowest floor...” and “...or above the FPG (two feet above the base flood elevation) or be flood proofed 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 Section 4.7(F)(4). Structures located in all...”
- r. Section 4.7(F)(3)(a) is revised to reference Section 4.7(D)(2)(j).
- s. Section 4.7(F)(4) is deleted and replaced with the following:

2. Elevated Structures: New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:
  - a. Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
  - b. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.
  - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - d. Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
  - e. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
  - f. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.
- j. Section 4.7(F)(5)(a) is revised to read as follows: "...of the maximum density obtainable with either the Standard or Modified Proctor Test method."
- k. Section 4.7(F)(6) is deleted and all subsequent subsections are renumbered as appropriate.
- l. Section 4.7(F)(7) (renumbered as subsection (6) as described above) is revised to include a new subsection (c) as provided below and with the subsequent subsections renumbered as appropriate.
  - c. Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade 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 Section 4.7(F)(4).

- m. Chapter 4.7 is revised to include a new subsection (L) which reads as below, and all subsequent sections are renumbered as appropriate.
    - L. Standards for Other Flood Prone Areas: All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet general standards as required per Section 4.7(E).
  - n. Section 4.7(M)(3)(f) (renumbered as subsection (N)(3)(f) as described above) is revised to add the following: “Historic structures are those listed individually on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.”
  - o. Section 4.7(N)(3)(g) is revised to reference Section 4.7(N).
2. Flood Regulation Study Committee Recommendations: The recommendations of the Columbus & Bartholomew County Flood Regulation Study Committee are implemented through the following:
- a. Section 4.7(H) is deleted and replaced with the following:
    - H. **Standards for Critical and Potentially Harmful Facilities:** Critical facilities are those for which even the slightest risk from flooding is too great given the importance of the facility in responding to a flood event or the complexities of evacuating the facility’s occupants during a flood event. Potential harmful facilities are those that include chemicals or other substances that are potentially harmful to water quality or public health in the event they are inundated by and mixed with flood waters. The Floodplain Administrators may determine if any uses not specifically listed below are also either a critical or potential harmful facility and regulate them accordingly. The determination of the Floodplain Administrators may be appealed to the Board of Zoning Appeals through the Administrative Appeal process.
      - 1. Critical Facilities: The following critical facilities, including their access driveways, shall be prohibited from locating in the SFHA or 500-year floodplain. The expansion of

buildings or other aspects of any of these uses that are pre-existing in an SFHA or 500-year floodplain shall be exempt from this prohibition, provided that all other applicable provisions of this Chapter are met.

- a. nursing home / assisted living facility.
- b. animal shelter.
- c. correctional facility.
- d. day-care center (child or adult).
- e. hospital.
- f. institution for the developmentally disabled / mentally ill.
- g. police, fire, or rescue station.
- h. school (grades pre-school through 12).

2. Potentially Harmful Facilities: The following potentially harmful facilities, if permitted or conditional in the underlying zoning district or permitted through a use variance or other similar process, shall also be reviewed as a conditional use in the SFHA or 500-year floodplain for the purpose of scrutinizing plans for containment of all chemicals and other potential water-borne pollutants. The expansion of buildings or other aspects of any of these uses that are pre-existing in a SFHA or 500-year floodplain shall be exempt from this prohibition, provided that all other applicable provisions of this Chapter are met.

- a. Farm (CFO/CAFO types I and II).
- b. Sewage Treatment Plant.
- c. Gas station (and other similar fueling facilities).
- d. Dry cleaners (commercial).
- e. Hazardous materials production and/or bulk storage.
- f. Waste disposal facility.

b. Section 4.7(I) is revised as follows, with current subsections 4.7(I)(1) through (4) renumbered as 4.7(I)(2)(a) through (d):

i. **Standards for Identified Floodways:** Located within SFHAs, established in Section 4.7(C)(2), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and have erosion potential.

1. Use Restrictions: All development and land altering activities, including the construction of new buildings, the placement of fill, and the creation of any other potential

obstructions to the flow of floodwater shall be prohibited in all floodways. The following activities and uses shall be exempt from this prohibition, provided that all necessary IDNR approvals are obtained and all other applicable provisions of this Chapter are met:

- a. Expansion of buildings and uses that are pre-existing in the floodway.
  - b. Construction of buildings and use of pre-existing lots that have been previously, specifically established for development. "Established" is defined as having an approved and unexpired preliminary plat.
  - c. Agricultural uses (pasture land, fields, etc. excluding all structures).
  - d. Wellfields, utility transmission lines and related infrastructure.
  - e. Nature preserve / conservation areas.
  - f. Marinas, boat ramps, fishing piers and other similar water-related recreation facilities.
  - g. Streets, roads, bridges, pedestrian paths, and related infrastructure.
  - h. Mineral extraction operations.
  - i. Flood mitigation projects, regulated drain maintenance, and other drainage improvement projects undertaken by a government entity.
2. Review Procedure: If the site is in an identified floodway and the proposed activity is exempt from the prohibitions provided by Section 4.7(I)(1) above or permitted through a use variance or other similar process, the Floodplain Administrators shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway.
- c. Section 4.7(F)(1)(b)(i) is revised to read "...the cost of which equals or exceeds 50% of the value..."; Section 4.7(F)(1)(c) is revised to read "...that are valued at more than 50% of the market value of the structure..."; and the "Increased Requirement" margin note associated with these provisions is deleted.

- d. Section 4.7(B) is revised to include the term “Placement of Fill” which is defined as follows: “The locating on a property of any soil, rocks, or other material or items that has the effect of limiting, altering, or preventing the flow of floodwater. Placement of fill shall not include incidental earthwork associated with replacing flatwork, such as driveways or sidewalks, gardening, and other similar activities.” Also, the following note is placed in the margin in proximity to this definition: “Note: The Definition of “Placement of Fill” has been added in support of increased local regulations for floodways”.
  - e. Section 4.7(B) is revised for the “Substantial damage” definition to read as follows: “...would equal or exceeds 50 percent of the market value...”
  - f. Section 4.7(B) is revised for the “Substantial improvement” definition to read as follows: “...the cost of which equals or exceeds 50 percent of the market value...”
  - g. Section 4.7(B) is revised for the “Critical facility” definition to read as follows: “...police, fire, and emergency response installations.”
  - h. Section 4.7(H) is revised to include a margin note that reads as follows: “Increased Requirement: The IDNR model ordinance contains only general standards for critical facilities. The City of Columbus and Bartholomew County have added specific standards for critical facilities and potentially harmful facilities.”
  - i. Section 4.7(I) is revised to include a margin note that reads as follows: “Increased Requirement: The IDNR model ordinance does not specify or limit floodway uses or activities. The City of Columbus and Bartholomew County have added limitations on the types of uses and activities permitted in the floodway.”
  - j. Section 4.7(I)(2)(b), Section 4.7(K)(1)(b), and Section 4.7(K)(2) are revised so that the references include in each to Section 4.7(H) is changed to Section 4.7(I)(1).
3. Clarifications & Interpretive Notes: The ordinance language required by the Indiana Department Natural Resources and local increased regulations are made clearer through the following:

- a. Section 4.7(C)(1) is revised to read as follows: “This Chapter shall apply to all SFHAs and 500-year floodplain areas within the jurisdictions of...” Also, the following note is placed in the margin in proximity to this text: “Increased Requirement: The IDNR model ordinance provides standards for flood hazard reduction in the SFHAs (100-year floodplains) only. This Chapter extends those same regulations (based on the 100-year BFEs and FPGs) to the 500-year flood fringe as well.” Also, a similar margin note associated with Section 4.7(F) is deleted.
- b. Section 4.7(C)(2)(a) is revised to read as follows: “...for the studied SFHAs and 500-year floodplains of the City...” and “...shall be as delineated on the flood profiles in the Flood Insurance Study...”
- c. Section 4.7(C)(2)(b) is revised to read as follows: “...of studied SFHAs and 500-year floodplains of the County shall be as delineated on the flood profiles in the Flood Insurance Study...”
- d. Section 4.7(C)(4) is revised to read as follows: “...within the SFHA or 500-year floodplain without full compliance with...” and “...within the SFHA or 500-year floodplain shall hereafter be altered...”
- e. Section 4.7(C)(6) is revised to read as follows: “...between the mapped floodplain on the FIRM and the actual...”
- f. Section 4.7(C)(6)(a) is revised to read as follows: “...in the SFHA or 500-year floodplain and regulated accordingly.”
- g. Section 4.7(C)(6)(b) is revised to read as follows: “...shall be considered outside the SFHA or 500-year floodplain and the floodplain regulations will not be applied.”
- h. Section 4.7(C)(9) is revised to read as follows: “Failure to obtain a Floodplain Development Permit is the SFHA or 500-year floodplain or failure to comply with...”
- i. Section 4.7(D) is revised to read as follows: “The Planning Director shall be responsible for the implementation of this Chapter with regard to subdivision requests and all construction, development, and land uses for which a Zoning Compliance Certificate is required by this Ordinance. The Chief Code Enforcement Officer shall be

responsible for the implementation of this Chapter with regard to all 1 and 2 family residences and all other similar construction, development, and land uses for which a Zoning Compliance Certificate is not required.”

- j. Section 4.7(E) is revised to include a margin note that reads as follows: “Interpretation Note: IDNR has determined that structures that are 400 square feet or less are exempt from the General Standards for Flood Hazard Reduction and intended that exemption to be clear through the text provided in Section 4.7(F)(1)(a). Further, all instances in this Section that refer to “substantial improvements” shall not be construed as applying the definition for that term as provided by this Chapter. As used in this Section the term “substantial improvements” shall mean any alterations, repair, reconstruction or improvements to a structure.”
- k. Section 4.7(F)(1) is revised to read as follows “In addition to the requirements of Section 4.7(E) all applicable structures as described below shall be protected from flood damage...”
- l. Section 4.7(F)(1) is revised to include a margin note that reads as follows: “Interpretation Note: IDNR interprets Section 4.7(F)(1) as follows: (a) indicates that all new structures with a floor area greater than 400 square feet shall be protected from flood damage below the FPG, (b) indicates that all existing structures over 400 square feet must be altered (elevated or flood proofed) to be protected from flood damage below the FPG at the time any addition is made to that structure if either (i) the cost of the addition equals or exceeds 50% of the value of the existing structure (excluding the land) or (ii) the addition is the second such addition (of any value) made to the structure since the local adoption of floodplain regulations, and (c) indicates that all existing structures over 400 square feet that are damaged (by any cause) and for which reconstruction or repairs will exceed 50% of the value of the structure (excluding the land) shall only be reconstructed or repaired in a manner such that the entire structure is protected from flood damage below the FPG (elevated or flood proofed).”
- m. Sections 4.7(F)(2) through (4) are revised to include a margin note that reads as follows: “Interpretation Note: IDNR interprets Sections

4.7(F)(2), (3), and (4) to only apply to structures greater than 400 square feet.”

- n. Section 4.7(K)(3) is revised to include a margin note that reads as follows: “Note: The last sentence of Section 4.7(K)(3) has been added to the IDNR model ordinance to clarify responsibility.”
- o. Section 4.7(F)(5)(b) is revised to include a margin note that reads as follows: “Interpretation Note: The IDNR considers the fill requirements contained in Section 4.7(F)(5)(b) to be mandatory. This “should” statement is to be considered as a “shall” statement; a requirement.”
- p. Section 4.7(L) is amended to add the following: “Any other flood prone areas subject to this provision shall be as specifically identified through supplemental floodplain maps adopted by the applicable jurisdiction (City or County, as appropriate).” Also, a margin note is added in association with this section as follows: “Note: The last sentence of Section 4.7(L) was added to the IDNR model for the purpose of clarity.”

4. Errors and Omissions: Errors and omissions in the text of the Flood Hazard Area Standards that do not have any effect on the actual content or effect of the regulations are corrected as follows:

- a. Section 4.7(B) is revised for the definition of the term “Accessory Structure” to exclude “(appurtenant structure)”.
- b. Section 4.7(B) is revised for the definition of the term “Appeal” to read as follows: “...any provision of this Chapter”.
- c. Section 4.7(B) is revised for the definition of the term “Floodplain management regulations” to read as follows: “...means this Chapter and other...”
- d. Section 4.7(B) is revised for the definition of the term “Hardship” to read as follows: “(as related to variances from this Chapter)...”
- e. Section 4.7(B) is revised for the definition of the term “Variance” to read as follows: “...the requirements of this Chapter, with permits

construction in a manner otherwise prohibited by this Chapter where specific...”

- f. Section 4.7(B) is revised for the definition of the term “Violation” to read as follows: “...to be fully compliant with this Chapter.” and “...of compliance as required by this Chapter is presumed...”
- g. Section 4.7(D)(1)(a)(vii) is revised to read as follows: “..any watercourse will be altered or relocated as a result of...”.
- h. Section 4.7(1)(b) is revised to read as follows: “...a certification of the NAVD 88 or NGVD 1929 elevation of the lowest floor...”
- i. Section 4.7(E)(10) is revised to read as follows: “...only if said non-conformity is not further extended or replaced.”
- j. Section 4.7(I)(2)(a) is revised to read as follows: “...the provisions of IC 14-28-1 a permit for construction...”
- k. Section 4.7(I)(2)(d) is revised to read as follows: “For all projects involving channel modifications the Floodplain Administrator shall request that...”
- l. Section 4.7(N)(3)(b) is revised to read as follows “...within a floodway subject to Section 4.7(I) or Section 4.7(K)(1)...”
- m. Section 4.7(N)(3)(c) is revised to read as follows “...in a floodway subject to Section 4.7(I) or Section 4.7(K)(1)...”

## **SECTION 2: Repealer**

All ordinances or parts thereof in conflict with this Ordinance shall be repealed to the extent of such conflict.

## **SECTION 3: Severability**

If any provision, or the application of any provision, of this Ordinance is held unconstitutional or invalid the remainder of the Ordinance, or the application of such provision to other circumstances, shall be unaffected.

**SECTION 4: Effective Date**

This Ordinance shall be effective upon adoption and any publication required by Indiana law.

**PASSED AND ADOPTED**, by the Board of Commissioners of Bartholomew County, Indiana, on first reading this 4th day of February, 2013.

S/s Larry S. Kleinhenz  
Larry S. Kleinhenz

S/s Carl H. Lienhoop  
Carl H. Lienhoop

S/s Richard A. Flohr  
Richard A. Flohr

**ATTEST:**

S/s Barbara J. Hackman  
Barbara J. Hackman, Auditor  
Bartholomew County, Indiana

**PASSED AND ADOPTED**, by the Board of Commissioners of Bartholomew County, Indiana, on second reading this 25th day of February, 2013.

S/s Larry S. Kleinhenz  
Larry S. Kleinhenz

S/s Carl H. Lienhoop  
Carl H. Lienhoop

S/s Richard A. Flohr  
Richard A. Flohr

**ATTEST:**

S/s Barbara J. Hackman  
Barbara J. Hackman, Auditor  
Bartholomew County, Indiana

Heather Siesel, Bartholomew County Solid Waste Management District Education Coordinator, was present to give the Recycling Center Report. She highlighted the Volume Report for November and December 2012. She noted that Saturdays are the busiest recycling day even though they are open late on Tuesdays and Thursdays. Cardboard is the highest volume with the commercial program and is also an interest with the satellite program. The reuse numbers are down. She said that during November and December, they participated in the Festival of Lights Parade, reached 2,360 individuals directly through their educational programming and collected 43 tons of Christmas trees that they turn into mulch. She also said that with the warm weather approaching, they will be starting the mulch and compost loading in April. At the end of March, they will have free mulch and compost loading for seniors. Spring is booking up with educational tours and in-classroom programs. Earth Day is April 20 and the Toxiway is set up for May 11.

Commissioner Kleinhenz read the Animal Control Monthly Report for January 2013. There were sixty (60) picked up, 7 violations and 3,600 miles logged. Commissioner Kleinhenz made a motion to accept the Animal Control Report for January 2013. Chairman Lienhoop seconded the motion that passed unanimously.

Auditor Hackman thanked the Commissioners for closing the buildings last week due to inclement weather conditions.

Auditor Hackman also announced that her office received the 1782 notice from the Department of Local Government Finance. There is a 10-day window to make any changes or corrections to tax rates and levies. She stated they should be getting the budget order in 10 to 12 days and tax billing should be on time.

There being no other business, the meeting was adjourned by Chairman Lienhoop at 10:50 a.m. The next Commissioners' meeting will be on Monday, March 4, 2013 at 10:00 a.m. in the Commissioners' Chambers.

BARTHOLOMEW COUNTY  
COMMISSIONERS

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CARL LIENHOOP, CHAIRMAN

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LARRY S. KLEINHENZ, MEMBER

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RICHARD A. FLOHR, MEMBER

ATTEST:

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BARBARA J. HACKMAN, AUDITOR