Town of Corydon Zoning Ordinance No. F-1983-1
Flood Damage Prevention Ordinance

Signed
6/13/1983

1.0 - Statutory Authorization
The Indiana Legislature has by State Legislature dealing with planning and zoning granted the power to local units of government to control land use within their jurisdiction.

Therefore the Board of Trustees of the Town of Corydon does ordain as follows:

2.0 - Statement of Purpose
The development of the flood hazard areas of the Town of Corydon could result in the potential loss of life and property, create health and safety hazards and lead to extraordinary public expenditures for flood protection and relief. Since development of these areas is not essential to the orderly growth of the community and since these lands are suitable for open space uses that do not require structures or fill, the Board of Trustees of the Town of Corydon does ordain as follows:

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

a) Base Flood Level - That point in the flood plain at which the water level crests during a regulatory flood.

b) Development - Any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structure, mining, dredging, filling, grading, paving, excavation or drilling operations.

c) Federal Insurance Administration - For purposes of this Ordinance, the federal agency charged with the administration of the National Flood Insurance Program.

d) Flood or Floodwater - The water of any lake or water course which is above the banks and/or outside the channel and banks of such water course.

e) Flood Plain (FP) District - The purpose of the Flood Plain District is to guide development in those areas for which detailed flood data has not been provided. These areas are identified as the approximate zone on the Flood Boundary and Floodway Maps.

f) Flood Plain - The area adjoining the river or stream which has been or may hereafter be covered by floodwaters.

g) "Floodway" means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to efficiently carry and discharge the floodwater or flood flow of any river or stream and designated on the Flood Boundary-Floodway Maps as the Floodway.

h) Floodway (FW) District - The purpose of the Floodway (FW) District is to guide development in areas identified as a floodway.

i) Floodway Fringe - The area of the flood plain located outside of the floodway.

j) Floodway Fringe (FF) District - The purpose of the Floodway Fringe (FF) District is to guide development in areas subject to potential flood damage, but outside an identified Floodway (FW) District.

k) Natural Resources - The Indiana Department of Natural Resources.

l) Regulatory Flood - That flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a 100 year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.

m) Regulatory Flood Profile - A longitudinal profile along the thread of a stream showing the maximum water surface elevation obtained by the regulatory flood.

n) Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, mobile homes, and other similar items.

4.0 - Basis for Establishing Flood Districts
The flood districts (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Corydon" dated July 18, 1983, with the accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps along with any subsequent revisions to the text or maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Office of the Clerk/Treasurer.

5.0 - Designation and Duties of the Administrator
The Zoning Administrator for the Town of Corydon is appointed to review all development and subdivision proposals to insure compliance with this ordinance.

6.0 - Permitted Uses-By Right

6.1 - Floodway (FW) District and Flood Plain (FP) District
The following uses shall be permitted by right, provided they do not involve the erection of any structure or obstruction, the opening of any excavation or the deposition of any material or substance.

a. Agricultural uses such as the production of crops, pastures, orchards, plant nurseries, vinyards, and general farming.

b. Forestry, wildlife areas, and nature preserves.

c. Parks and recreational uses, such as golf courses, driving ranges, and play areas.

6.2 - Floodway Fringe (FF) District
The following uses shall be permitted by right:
All facilities, structures, uses and buildings consistent with

other provisions of this ordinance such as businesses, medical facilities, community and government buildings, industrial facilities, restaurants, commercial facilities, storage facilities, mobile homes, utility buildings, amusement facilities, residential buildings, and civic or fraternal facilities, may be constructed in this district provided that the flood protection grade for all buildings shall be at least two feet above the regulatory flood profile. Further, mobile homes must have pads (concrete or stands of compacted fill) at or above the elevation of the regulatory flood and must be provided with ground anchors meeting Mobile Home Tie Downs; Schedule A. In addition, adequate drainage and access for a hauler shall be provided. Flood proofed non-residential buildings may also be constructed in this district provided that the plans and specifications for all necessary structural facilities and modifications are certified by a Professional Engineer or Registered Architect licensed to practice in Indiana. Also, onsite waste disposal systems must be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

7.0 - Permitted Uses-By Special Exception

7.1 -Flood Plain (FP) District

The following special exception uses may be permitted in the Flood Plain (FP) District only after a proper permit or letter of recommendations for same has been granted by Natural Resources. All terms and conditions imposed by Natural Resources will be incorporated in any permit issued by the (Plan) Commission. The (Plan) Commission may impose greater restrictions. All buildings or additions to existing buildings shall have flood protection grades at least two feet above the regulatory flood profile.

a. Water management and use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, groins, marinas, piers, wharves, levees, seawalls, floodwalls, weirs, and irrigation facilities.

b. Transporation facilities, such as streets, bridges, roadways, fords, airports, pipe lines, railroad, and utility transmission facilities.

c. Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands and transient amusement facility sites.

d. Water-related urban uses, such as wastewater treatment facilities, storm sewers, electric generating and transmission facilities, and water treatment facilities.

e. Other flood tolerant or open space urban uses, such as flood-proofed buildings, race tracks, tennis courts, park building, outdoor theaters, fills, truck freight terminals, radio or TV towers, parking lots, and mineral extractions.

f. Mobile Homes (temporary or permanent) having pads (concrete or stands of compacted fill) at or above the regulatory flood elevation and ground anchors meeting Mobile Home Tie Downs; Schedule A. In addition, adequate drainage and access for a hauler shall be provided.

g. Residential structures.

The structure or structures, if permitted in a Flood Plain (FP) District, shall be constructed on the building site so as to minimize obstruction to the flow of floodwaters.

Floodproofing of non-residential structures, if proposed, must be in accordance with the definition of a flood proofed building as set forth in this ordinance and must be so certified by a Professional Engineer or a Registered Architect licensed to practice in Indiana.

Onsite waste disposal systems must be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

7.2 - Floodway (FW) District

The following special exception uses may be permitted in the Floodway (FW) District only after a permit for construction in a floodway has been granted by Natural Resources. All terms and conditions imposed by Natural Resources will be incorporated in any permit issued by the (Plan) Commission. The (Plan) Commission may impose greater restrictions. All buildings or additions to existing buildings shall have flood protection grades at least two feet above the regulatory flood profile.

a. Water Management use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, groins, marinas, piers, wharves, leavees, seawalls, floodwalls, weirs, and irrigation facilities.

b. Transportation facilities, such as streets, bridges, roadways, fords, airports, pipe lines, railroads, and utility transmission facilities.

c. Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands, and transient amusement facility sites.

d. Water-related urban areas, such as wastewater treatment facilities, storm sewers, electric generating and transmission facilities, and water treatment facilities.

e. Other flood tolerant or open space urban uses, such as flood-proofed buildings, race tracks, tennis courts, park buildings, outdoor theaters, fills, truck freight terminals, radio or TV towers, parking lots, and mineral extraction.

Flood proofing of non-residential structures, if proposed, must be in accordance with the definition of a flood proofed building as set forth in this ordinance and must be so certified by a Professional Engineer or a Registered Architect licensed to practice in Indiana.

The structure or structures, if permitted in the floodway, shall be constructed on the building site so as to minimize obstruction to the flow of floodwaters.

8.0 - Non-Conforming Uses

Any building, structure or other use in a Flood Plain (FP), Floodway (FW) or Floodway Fringe (FF) District which is not in conformance with this ordinance constitutes a non-conforming use.

a. In a Floodway (FW) District, no non-conforming use may be expanded or enlarged nor can a building undergo substantial modification without a permit for construction in a floodway from Natural Resources.

b. In a Floodway Fringe (FF) District a building which constitutes a non-conforming use may undergo substantial modification provided such modification is on a one-time-only basis and further provided that such modification does not increase the value of the building, by more than forty (40) percent of its pre-improvement market value, (excluding the value of land) unless such building is permanently changed to a conforming use.

c. A non-conforming use in a Flood Plain (FP) District may be altered, enlarged, or extended, on a one-time-only basis, provided the procedures set forth in this ordinance with respect to new construction in a Flood Plain (FP) District are followed and further provided such alterations, enlargements, or extensions do not increase the value of the building structure, or other use (excluding the value of land) by more than forty (40) per cent of its pre-improvement market value, unless such building, structure or use is permanently changed to a conforming use.

d. Any non-conforming use in the FP, FW, and FF Districts which is damaged by flood, fire, explosion, Act of God, or the public enemy may be restored to its original dimensions and conditions, provided the damage does not reduce the value of the buildings, excluding the value of the land, by more than forty (40) per cent of its predamage value.

9.0 - Variances and Exceptions

9.1 - The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of the Floodway (FW), Floodway Fringe (FF) or Flood Plain (FP) Districts provided the applicant offers that:

a. There exists a good and sufficient cause for the requested variance;

b. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant, and

c. Variances or exceptions to the flood protection grade requirements in a Floodway Fringe (FF) District may generally be granted 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 elevation; however, for lots larger than one-half acre in size, technical justification should be shown for granting a variance or exception;

d. Any variance or exception granted in a Floodway (FW) or Flood Plain (FP) District will require a permit or letter of recommendation from Natural Resources. If a letter of recommendation is received from

Natural Resources, the Board of Zoning Appeals may apply the standards pertaining to a Floodway Fringe (FF) District contained in 9.1 (c) of this section;

e. Variance or exception may be granted for the reconstruction or restoration of any structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects;

f. All variances shall give the minimum relief necessary, and be such that the maximum practical flood protection will be given to the proposed construction, and

g. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

10.0 - Plan Commission Rules of Procedure

a. The Plan Commission shall keep and maintain all records, including all lowest floor elevations, certificates, plans and other materials associated with any permit or variance issued in a Floodway (FW), Floodway Fringe (FF), or Flood Plain (FP) District.

b. The Plan Commission shall not issue any permit, license, or variance for the location or occupancy of any mobile home in a Floodway (FW), Floodway Fringe (FF), or Flood Plain (FP), until such time as proper notice is given to the mobile home owner to be attached to lease, deed or purchase contract that such mobile home is in a flood hazard area.

c. The Plan Commission shall notify the Federal Insurance Administration of all permits issued in the Floodway (FW) District concerning watercourse alteration. In addition to forwarding a copy of all such permits to FIA, they shall require that maintenance is provided within the altered or relocated portion of said watercourse, so that the flood carrying capacity is not diminished.

11.0 - Subdivision Control Ordinance

a. The Plan Commission shall review all proposed subdivisions to determine whether the subdivision lies in a Flood Plain (FP) area as defined elsewhere by ordinance. If the Plan Commission finds the subdivision to be so located, it shall forward pertinent plans and materials to the Indiana Department of Natural Resources for review and comment. The Plan Commission may require appropriate changes and modifications in order to assure that it is consistent with the need to minimize flood damages; all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood hazards; and that onsite waste disposal systems, if provided, will

be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

b. All subdivision plats containing lands identified elsewhere by ordinance as being in the Flood Plain shall have the elevation of the 100 year flood listed thereon.

12.0 - Administration

a. The zoning administrator or other appropriate officials shall review all applications for improvement location permits for new construction, additions to existing construction, or other development to ascertain as to whether the proposed construction, addition or development lies in a Flood Plain area as defined elsewhere by ordinance.

If the permit application lies in an identified Floodway (FW) District, then the applicant shall forward the application along with all pertinent plans and specifications to Natural Resources and apply for a permit for construction in a floodway from Natural Resources.

If the permit application lies in a Floodway Fringe (FF) District then the zoning administrator may issue a local building permit if:

i. the lowest floor including basement of the structure(s) is at least two (2) feet above the 100 year frequency flood elevation, or

ii. the requirements of Section 8.0 or 9.0 are met.

If the permit application lies in a Flood Plain (FP) District then the applicant shall forward the application along with all pertinent plans and specifications to Natural Resources for appropriate review and comment. A local building permit may only be issued after receiving the proper permit or letter of recommendation from Natural Resources.

In a Floodway, Floodway Fringe and Flood Plain District, the Plan Commission or Board of Zoning Appeals may require such modifications to the disign and materials as the Plan Commission or Board of Zoning Appeals may deem appropriate to prevent flotation, collapse or lateral movement of the structure and minimize potential future floor damages.

b. In reviewing the applications for improvement location permits for compliance with the requirements of this ordinance, the zoning administrator or other appropriate officials shall assure that all necessary permits from other State, Federal and local agencies have been obtained.

13.0 - Ordinance Regarding Standards For Certain Utility Construction or Reconstruction in Flood Hazard Areas.

All new or replacement water mains, valves and other appurtances; and all new or replacement sewers, manholes and other appurtances constructed or reconstructed in a Flood Hazard Area as defined elsewhere by ordinance shall be designed and constructed as to minimize or eliminate infiltration of floodwaters into these systems and discharges from these systems into floodwaters.

This ordinance shall supersede any and all other ordinances heretofore adopted by the Board of Trustees of the Town of Corydon and any rules or regulations of the Plan Commission in conflict therewith, and shall be effective upon passage.

Passed and adopted by the Board of Trustees of the Town of Corydon, Indiana, this 13th day of June, 1983.

BOARD OF TRUSTEES

Fred K. Cammack, President

Ray A. Bussabarger

Dennis G. Evans

Ardis Conrad

ATTEST:

Mary H. Merker
Clerk-Treasurer

Floyd Byerley

I certify that the above ordinance was duly passed by the Board of Trustees of the Town of Corydon, Indiana, on June 13, 1983.

Mary H. Merker
Clerk-Treasurer