Passed: 8-0

ORDINANCE 99-49

TO AMEND TITLE 20
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, "ZONING"
(Minor Changes to Special Flood Hazard Area Regulations)

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning," including the incorporated zoning maps, and Title 21, entitled "Land Use and Development"; and

WHEREAS, the Bloomington Plan Commission wishes to make minor changes in the Special Flood Hazard Areas regulations in Title 20 in order to remain qualified under the National Flood Insurance Program (NFIP); and

WHEREAS, the Bloomington Plan Commission has considered this case, ZO-58-99, and recommended that the Bloomington Municipal Code be changed and requests that the Common Council consider their petition;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section 20.02.03.00, entitled "Definitions Specific to Special Flood Hazard Areas" shall be amended to add the following definitions:

Building	Any structure having a roof supported by columns, walls, or air pressure.
Floodway Fringe	Those portions of the floodplain lying outside the floodway.
Structure	Anything constructed on or under the ground or attached or connected thereto or attached or connected to another structure, including but not limited to: antennae, buildings, barriers, bridges, bulkheads, bunkers, chimneys, fences, garages, outdoor seating facilities, pet shelters, platforms, playground equipment, pools, poles, tanks, tents, towers, sheds, signs, and walls.

SECTION 2. Section 20.07.15.04 (h)(2)(B) regarding conditional use approvals in Urban Floodway Districts shall be amended to add the word "cutting" at the beginning of the provision so that it reads as follows:

(B) Cutting, filling or depositing of materials;

SECTION 3. Section 20.07.15.04 (i)(4)(A) shall be amended to reflect the following change to the Indiana Code (IC) citation in the second paragraph so that the paragraph shall read as follows:

Under the provisions of Indiana Code 14-28-1 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving, etc., undertaken before the actual start of construction of the building.

SECTION 4. Severability. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and promulgation by law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 15th day of December, 1999.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16th day of December, 1999.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 16th day of December, 1999.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the Special Flood Hazard Area regulations of Title 20 of the Bloomington Municipal Code (Zoning) by making technical changes that are necessary to remain qualified under the National Flood Insurance Program (NFIP).

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 99-47 is a true and complete copy of Plan Commission Case Number ZO-58-99 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 8, 1999.

Date: November 9,1999.

Donald F. Hastings, Secretary
Plan Commission

Received by the Common Council Office this 9th day of November, 1999.

Patricia Williams, City Clerk

Appropriation Ordinance #_____ Fiscal Impact Statement Ordinance #_____ Resolution #_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other_____

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure_____ Emergency_____
Unforseen Need _____ Other_____

Funds Affected by Request:

Fund(s) Affected		
Fund Balance as of January 1	$	$
Revenue to Date		
Revenue Expected for Rest of year		
Appropriations to Date		
Unappropriated Balance		
Effect of Proposed Legislation (+/-)		
Projected Balance	$	$

Signature of Controller_____

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes_____ No_____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

FILENAME: ORD-CERT.MRG

MEMORANDUM

Date: **November 9, 1999**
To: **Common Council**
From: **Lynne Friedmeyer, Zoning & Enforcement Manager**
Subject: **ZO-58-99; Amendments to Section 20.07.15.04 - Special Flood Hazard Areas**

On November 8, 1999, the City of Bloomington Plan Commission voted unanimously to recommend approval of several minor changes to the Bloomington Municipal Code Title 20 in order to insure that the City of Bloomington remains qualified under the National Flood Insurance Program (NFIP).

During a recent Citizen's Assistance Visit (CAV), the Indiana Department of Natural Resources (DNR) reviewed the City of Bloomington's Bloomington Municipal Code section 20.07.15.04 concerning Special Flood Hazard Areas and made several recommendations for updating the current ordinance to meet the minimum standards of the NFIP. **These changes are minor and technical in nature, but are critical to keeping the City of Bloomington in the NFIP.** Floodplain management is an asset to our community and allows the community to self regulate hazardous flood areas. There are a few minor changes as seen in the attached packet material that the DNR requires in order for the ordinance to comply with federal, state, and local management standards and to ensure the City's continued participation in the NFIP.

These changes, which are outlined in the highlighted text, include three new definitions and two textual modifications, which are technical amendments to the ordinance. The three definitions include Building, Floodway Fringe, and Structure. The textual modifications including the word 'cutting' to Conditional Uses in the Urban Floodway, and changing an Indiana Code (IC) citation number.

This amendment proposal is in compliance with the comprehensive plan goals of protecting environmentally sensitive areas, as well as being responsible in growth and development by keeping the City's membership in the NFIP. In protecting the community's sensitive floodway areas, property values are maintained, especially those along the fringe areas of the floodway. This amendment does not change any land use or current conditions or structures within the City's jurisdiction.

Plan Commission Vote Record: 9:0, November 8, 1999