Passed 8-0
(Ruff absent)

ORDINANCE 10-20

TO AMEND TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "UNIFIED DEVELOPMENT ORDINANCE"
(Amendments to the Floodplain Standards [20.05.048] and Definitions [20.11.020] Sections to be Consistent with Federal Requirements)

WHEREAS, Ordinance 06-24 approved the Unified Development Ordinance ("UDO"), which repealed and replaced both Title 20 of the Bloomington Municipal Code entitled, "Zoning," and Title 19 of the Bloomington Municipal Code, entitled "Subdivisions;" and

WHEREAS, the UDO was substantially amended by Ordinance 09-12, which was effective December 7, 2009; and

WHEREAS, the City has since been directed by the Federal Emergency Management Agency to update its floodplain regulations to be consistent with Federal regulations;

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

SECTION I. Section 20.05.048(d)(3)(C) of the Bloomington Municipal Code shall be amended to add the following sentence at the end of the section: "The floodplain is also referred to as the Special Flood Hazard Area (SFHA)."

SECTION II. Section 20.05.048(d)(5)(A) of the Bloomington Municipal Code shall be amended by deleting the current provision and replacing it with the following:

> (A) Location. The locations of the floodplain boundaries are based upon the regulatory flood elevation, floodway, and floodway fringe limits for the studied Special Flood Hazard Areas of the City of Bloomington as delineated on the 100-year profiles in the Flood Insurance Study of Monroe County and Incorporated Areas and the corresponding Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated December 17, 2010. The flood profiles, and the Special Flood Hazard Areas delineated on the December 17, 2010 FIRM are a component of the official zoning map. The regulatory flood elevation, floodway, and fringe limits for each unstudied Special Flood Hazard Area of the City of Bloomington delineated as an "A Zone" on the FIRM of the Monroe County and Incorporated Areas prepared by the Federal Emergency Management Agency and dated December 17, 2010, 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.

SECTION III. Section 20.05.048(d)(5)(C) of the Bloomington Municipal Code shall be amended to add that where a floodplain boundary divides a structure, the floodplain regulations apply to the entire structure so that the provision shall now read as follows:

> (C) Structures Located on Boundary Lines: Where a floodplain boundary line divides a structure, these regulations shall apply to the entire structure.

SECTION IV. Section 20.05.048(d)(6) of the Bloomington Municipal Code shall be amended to add the following sentences at the end of the section:

> Prior to any alteration or relocation of a watercourse, the City shall notify any applicable adjacent communities and the State Floodplain Coordinator. Copies of such notifications shall also be submitted to FEMA. Maintenance of any altered or relocated watercourse is required in order to ensure that no diminishing of flood-carrying capacity occurs.

SECTION V. Section 20.05.048(7) shall be added to the Bloomington Municipal Code and shall read as follows:

(7) No local floodplain development permit shall be issued unless all necessary federal or state permits have been received. Copies of such permits are to be maintained on file with the floodplain development permit.

SECTION VI. Section 20.05.048(8) Record Keeping - shall be added to the Bloomington Municipal Code and shall read as follows:

(8) Record Keeping: The City shall maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, LOMA, LOMR, copies of DNR permits 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 ordinance.

SECTION VII. Section 20.05.048(9) Construction of Utilities and Waste Disposal Systems - shall be added to the Bloomington Municipal Code and shall read as follows:

(9) Construction of Utilities and Waste Disposal Systems: Public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed so as to minimize or eliminate flood damage. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

SECTION VIII. Section 20.11.020 Defined Words - shall be amended in the following manner:

(a) The term "FIRM" shall be deleted and replaced with the following term and definition:

"Flood Insurance Rate Map (FIRM)" means the official map of the community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(b) The term and definition for Flood Insurance Study shall be added and shall read as follows:

"Flood Insurance Study (FIS)" means the official hydraulic and hydrologic report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and the water surface elevation of the base flood.

(c) The term "Floodplain" shall be amended by adding the following sentence at the end of the definition: "The floodplain is also known as the Special Flood Hazard Area (SFHA)."

(d) The term and definition for Special Flood Hazard Area (SFHA) shall be added and shall read as follows:

"Special Flood Hazard Area (SFHA)" means those lands subject to inundation by the regulatory flood. The SFHAs within the City of Bloomington Planning Jurisdiction are generally identified as such on the Monroe County and Incorporated Area Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated December 17, 2010. These areas are shown on a FHBM or FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO.

SECTION IX. 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 other section, sentence, provision or application that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are intended and declared to be severable.

SECTION X. This ordinance shall be in full force and effect from and after its passage by the Common Council and approved by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 15th day of DECEMBER, 2010.

ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16th day of DECEMBER, 2010.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 16TH day of DECEMBER, 2010.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance updates the Floodplain Standards and Definitions sections of the Unified Development Ordinance to make the City's ordinance consistent with Federal regulations.

Signed Copies To:
Photo copy
Planning
Clerk (2)
Council (2)
CBU

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