### ORDINANCE NO.: <u>26</u>, 2011

# AN ORDINANCE AMENDING THE COLUMBUS & BARTHOLOMEW COUNTY ZONING ORDINANCE FOR THE JURISDICTION OF THE CITY OF COLUMBUS TO INCLUDE SUPPLEMENTAL FLOOD HAZARD AREA STANDARDS FOR THE HAW CREEK WATERSHED

## Favorably Recommended by Columbus Plan Commission General Resolution 2011-03

WHEREAS, on March 18, 2008 the Columbus Common Council passed Ordinance No. 13, 2008 adopting a replacement zoning ordinance, including zoning maps, for the jurisdiction of the City of Columbus; and

WHEREAS, the replacement zoning ordinance contained flood hazard area standards consistent with those of the previous zoning ordinance that met, and in some cases exceeded, the minimum requirements provided in the Indiana Department of Natural Resources (IDNR) Model Floodplain Regulations; and

WHEREAS, the Flood Insurance Rate Maps and other technical support materials provided to the City of Columbus by IDNR and the Federal Emergency Management Agency (FEMA) have been the best information available upon which to base the community's flood hazard area regulations; and

WHEREAS, as a result of the June 7, 2008 flood both Columbus Regional Hospital and Cummins commissioned studies of the Haw Creek watershed in an effort to best understand how to protect their respective facilities from future flooding; and

WHEREAS, both Columbus Regional Hospital and Cummins have chosen to share the data from their studies with the City of Columbus and the public; and

WHEREAS, combined, these studies provide better data on the flood hazards posed by the Haw Creek watershed than was previously available to the City of Columbus, specifically with regard to the areas necessary to convey flood water; and

WHEREAS, this amendment to the Flood Hazard Area Standards was prepared consistent with 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 Columbus Plan Commission did, on June 8, 2011 and July 13, 2011, hold legally advertised public hearings on this proposed amendment and has certified a favorable recommendation for its adoption to the Common Council; and

WHEREAS, the Common Council of the City of Columbus, Indiana 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 Common Council of the City of Columbus, Indiana, as follows:

#### **SECTION 1: Zoning Ordinance Amended**

The Columbus & Bartholomew County Zoning Ordinance, adopted as Ordinance 13, 2008, is amended for the jurisdiction of the City of Columbus to include a new Section 4.7(L) as described below. The existing Section 4.7(L) and all other affected sections and cross-references are re-organized as appropriate.

Additional Standards for the Haw Creek Watershed (HUC #05120205060): The Haw Creek flood hazard modeling developed by Christopher B. Burke Engineering (CBBEL) in May of 2011, as updated periodically shall serve as a supplement to the FEMA-provided Flood Insurance Rate Maps for the Haw Creek watershed. This modeling, including updates, shall hereafter be referred to as the "base model". The following additional standards shall apply to any development, construction, earth moving, or other similar activity that is proposed to occur in the Haw Creek watershed:

- 1. Floodplain Mapping Supplemented: All requirements for structures in the FEMA-identified 500-year floodplains established by this Chapter (Chapter 4.7) shall be extended to the base model 500-year flood inundation limits as well. In all instances where the current Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency and the 500-year flood inundation limits identified in the base model are in conflict, that which provides for the maximum amount of protection from flooding shall control.
- 2. Modeling Required and Obstruction Prohibited for Flood Flow Conveyance Paths: Prior to the commencement of any development, construction, earth moving, or other similar activities to occur within the 500-year flood flow conveyance paths (as identified by the base model) the proposed activity shall be evaluated for its potential impacts. This modeling requirement includes all flood control measures, including those that are intended for temporary protection (such as sandbagging, etc.) that may potentially impact the 500-year flood flow conveyance paths.
  - a. The modeling shall be conducted and/or evaluated by a qualified consultant chosen and under contract by the City of Columbus and all costs associated with the modeling shall be incurred by the applicant and shall be paid to the City prior to the modeling.
  - b. No development, construction, earth moving, or other similar activities shall result in any obstruction or loss of capacity in any 500-year flood flow conveyance path (as identified by the base model) unless the required modeling shows that the proposed project along with any proposed compensatory measure, acting alone or in combination with existing development will not increase the modeled 500-year flood elevations more than 0.1 foot. The amount of obstruction shall be measured cumulatively beginning (the effective date of this provision).
  - c. At the discretion of the Planning Director, upon the advice of the qualified consultant, the applicant shall also be required to provide as-built plans for any completed development, construction, earth moving, or other similar activities and to incur the costs to update the base model to include that change. The as-built plans and model update cost shall be paid prior to occupancy or other similar use of the completed activity.

#### SECTION 2: Maps Adopted by Reference

The applicable 500-year flood flow conveyance path map resulting from the May 2011 Christopher B. Burke Engineering (CBBEL) modeling of Haw Creek referenced in Section 1 above is attached to and made a part of this Ordinance. All updates to this base model and the associated maps are included in this adoption without further legislative action being required.

#### **SECTION 3: Repealer**

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

#### **SECTION 4: 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 5: Effective Date**

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

ADOPTED, by the Common Council of the City of Columbus, Indiana, this	4 m d	lay of
October, 2011 at 1:30 o'clock p.m., by a vote of 6 ayes and	0	nays.
TOA		
12.8		
Presiding Officer L		

ATTEST:

Brenda Sullivan

Clerk-Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the 6:30 o'clock p.m.

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Fred L. Armstrong

Mayor of the City of Columbus, Indiana

4th day of October, 2011 at