

ORDINANCE NO. 22-09

TO AMEND CERTAIN PORTIONS OF THE  
UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA,  
DESIGNATING THE TIME WHEN THE SAME SHALL TAKE EFFECT.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, THAT ORDINANCE NO. 32-97 IS HEREBY AMENDED AS FOLLOWS:

**Section 1:** Change **UZO Section 1-10-2 Words and Terms Defined**, to read as follows:

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of Tippecanoe County, Lafayette, West Lafayette, Dayton, Battle Ground or Clarks Hill, Indiana, on which the Federal Emergency Management Agency (FEMA) has delineated **special flood hazard areas** and the risk premium zones applicable to Tippecanoe County, Lafayette, West Lafayette, Dayton, Battle Ground and Clarks Hill, Indiana.

**FLOOD INSURANCE STUDY (FIS).** The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the **FIRM**, and the water surface elevation of the base flood.

**FLOOD PLAIN.** The channel proper and areas adjoining any wetland, lake, or **watercourse** which has been or may hereafter be covered by the **regulatory flood**. The **flood plain** includes both the **regulatory floodway** and **floodway fringe**. See **Special Flood Hazard Area (SFHA)**.

**NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).** Datum adopted in 1993 that is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**REGULATORY FLOOD.** That flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The **regulatory flood** at any location is defined below. The **regulatory flood** is also known by the terms "Base Flood", "One Percent Annual Chance Flood", and "100 Year Flood".

- (1) The **regulatory flood** elevation, **floodway**, and **floodway fringe** limits for the studied **Special Flood Hazard Areas** of Tippecanoe County, Lafayette, West Lafayette, Dayton, Battle Ground and Clarks Hill shall be delineated on the 100 year flood profiles in the **Flood Insurance Study** of Tippecanoe County, Lafayette, West Lafayette, Dayton, Battle Ground

and Clarks Hill dated September 25, 2009 and the corresponding **FIRM** prepared by FEMA and dated September 25, 2009.

- (2) The **regulatory flood** elevation, **floodway** and **floodway fringe** limits for each of the remaining **Special Flood Hazard Areas** delineated as an "A zone" on the **FIRM** of Tippecanoe County, Lafayette, West Lafayette, Dayton, Battle Ground and Clarks Hill prepared by the Federal Emergency Management Agency and dated September 25, 2009 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.
- (3) In the absence of a published FEMA map, or absence of identification on a FEMA map, the **regulatory flood** elevation, **floodway**, and **floodway 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.

**SPECIAL FLOOD HAZARD AREA (SFHA).** The lands within the jurisdictions of Tippecanoe County, Lafayette, West Lafayette, Dayton, Battle Ground and Clarks Hill, Indiana, subject to inundation by the **regulatory flood**. The **SFHAs** within Tippecanoe County are generally identified as such on the **FIRM** of Tippecanoe County, Lafayette, West Lafayette, Dayton, Battle Ground and Clarks Hill, Indiana, dated September 25, 2009, as well as any future updates, amendments, or revisions, prepared by FEMA with the most recent date. (These are areas shown on a Flood Hazard Boundary Map or **FIRM** as Zone A, AE, A1-A30, AH, AR, A99, or AO.)

This ordinance shall be in full force and effect from and after its passage.

INTRODUCED ON FIRST READING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009, HAVING BEEN PASSED BY A VOTE OF \_\_\_\_\_ IN FAVOR AND \_\_\_\_\_ OPPOSED, THE ROLL CALL VOTE BEING:

AYE		NAY
_____	Bunder	_____
_____	Burch	_____
_____	Dietrich	_____
_____	Hunt	_____
_____	Keen	_____
_____	Roales	_____
_____	Thomas	_____

THE

# Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET  
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242  
(765) 423-9154 [FAX]  
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY  
EXECUTIVE DIRECTOR

August 20, 2009  
Ref. No.: 09-260

West Lafayette Common Council  
609 W. Navajo Street  
West Lafayette IN 47906

**RECEIVED**

AUG 20 2009

**CERTIFICATION**

**CLERK - TREASURER**

**RE: UZO AMENDMENT #62:**

An amendment to the definitions related to the new Flood Plain regulations for the purpose of adopting the digital Flood Insurance Rate Maps (FIRM) and the accompanying flood insurance study.

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 19, 2009, the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the West Lafayette Common Council that the proposed zoning ordinance amendment be approved.

Sincerely,

  
Sallie Dell Fahey  
Executive Director

SDF/lmu

Enclosure: Staff Report and Ordinance

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**UNIFIED ZONING ORDINANCE AMENDMENT #62  
FIRM ADOPTION PROCESS**

**RECEIVED**

AUG 20 2009

**STAFF REPORT  
August 12, 2009**

**CLERK - TREASURER**

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## Unified Zoning Ordinance Amendment #62 FIRM ADOPTION PROCESS

Staff Report  
August 12, 2009

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### **HISTORY OF FIRM IN TIPPECANOE COUNTY**

The Indiana Department of Natural Resources, in partnership with the Federal Emergency Management Agency (FEMA), is completing and issuing county-wide Preliminary Digital Flood Insurance Rate Maps (DFIRMs) and Flood Insurance Studies (FIS) throughout Indiana. The Indiana Floodplain Mapping Initiative began in 2004 to revise outdated mapping for all 92 Indiana counties. It is not driven by recent flooding that resulted in Presidential Disaster Declarations. The mapping initiative will depict new or revised Base Flood Elevations (BFEs). The new digital floodplain mapping will be based on updated topographic and orthographic data, and in some cases, revised hydrologic and hydraulic analysis. The public meeting for Tippecanoe County home owners affected by these maps was held in February of 2008.

### **FIRM ADOPTION PROCESS:**

These proposed changes to UZO definitions were done at the request of IDNR and are needed to adopt the new digital FIRMs and FIS. The participating jurisdictions need to approve the amendment and adopt the maps and study by FEMA's deadline of September 25, 2009. If the deadline is not met the participating communities lose eligibility in the National Flood Insurance Program.

Schedule for adopting maps:

1. Aug 5<sup>th</sup>, Approval by Ordinance Committee;
2. Approval by IDNR;
3. Aug 19<sup>th</sup>, Approval by APC; and
4. September Council Meetings, adoption by participating jurisdictions.

### **STAFF RECOMMENDATION:**

Approval

## Clerk

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**From:** Sallie Fahey [SFahey@tippecanoe.in.gov]

**Sent:** Monday, August 31, 2009 4:04 PM

**To:** John Knochel; Tom Murtaugh; David Byers; Frank Cederquist; dwl@hlblaw.com; Jennifer Weston; Mayor Tony Roswarski; cmurray@lafayette.in.gov; Jennifer Miller; Ed Chosnek; John Dennis; David Buck; Judy Rhodes; Eric Burns - Lawyer; Joe Bumbleburg ; J.swick40@comcast.net; Brian Brewer ; Steve Egly; treasurer@battleground.in.gov; Clark Whitley

**Cc:** Larry Aukerman

**Subject:** New FEMA generated FIRM maps and Flood Insurance Study - clarification regarding adoption by September 25

Regarding adoption of the new Flood Insurance Rate Maps and the accompanying Flood Insurance Study, I may have confused some of you about this adoption process. I assumed there would be 2 things to adopt at your September meetings: 1) the FIRMs and the FIS by resolution and 2) the UZO amendment required by DNR. I was incorrect. Anita Nance at DNR made it clear to me that the FIRMs and FIS are adopted by reference in our language in the UZO amendment, no separate resolution regarding the maps is necessary.

**All you need to approve is the UZO amendment that the APC recommended on August 19 and which I certified to you on August 20. Please remember there is a September 25 deadline imposed by FEMA.**

**Clarks Hill – You are not yet a National Flood Insurance Program member and there is no flood plain in the town. Adopting this UZO amendment does not make you a member, should any of your citizens raise this as a concern.**

Please call or email Larry or me if you have any questions.

Sallie

*Sallie Dell Fahey*

*Executive Director*

*Area Plan Commission of Tippecanoe County*

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*Lafayette IN 47901*

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