

V. INDIANA LOCAL FLOODPLAIN PERMITTING PROCEDURES: A STEP-BY-STEP GUIDE

STEP 1

The key initial determination in reviewing an application is the location of the proposed development site relative to the SFHAs within the community, as shown on the effective floodplain map (FHBM, FIRM, FBFM) produced by FEMA. *This determination is made by comparing the location of the site with the flood zone delineation shown on the effective map.*

If the site of the proposed development is obviously outside of the shaded A-Zone (SFHA), then floodplain regulations do not apply.

If the project site is in a shaded A-Zone (SFHA) or is a borderline situation proceed to Step 2.

STEP 2

Determine if the project meets the NFIP or local ordinance definition of “development”.

“Development” includes:

- construction, reconstruction, or placement of a building or any addition to a building;
- installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
- installing utilities, erection of walls and fences, construction of roads, or similar projects;
- construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- mining, dredging, filling, grading, excavation, or drilling operations;
- construction and/or reconstruction of bridges or culverts;
- storage of materials; or
- any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

If the project does not meet the definition for “development”, then floodplain regulations do not apply.

If the project meets this definition, continue to Step 3.

STEP 3

Have the applicant complete and submit a local Floodplain Permit Application form. The applicant must also provide location information and plans for the proposed project.

A location or plat map of the site should be attached to every application form. Plans for the proposed development should also be attached showing existing and proposed conditions including all appropriate dimensions and elevations. Continue to Step 4.

STEP 4

Check to see if the proposed site is located in the regulatory floodway by measuring the floodway width on the FEMA FBFM (if available) and comparing this distance to the proposed project’s actual ground location.

If the site is located in a floodplain where the floodway limits have not been identified and *the drainage area is greater than one square mile**, the applicant must request and obtain a floodplain analysis/regulatory assessment from IDNR Division of Water that includes the base flood elevation and floodway boundary. (In some cases, the applicant may need to supply surveyed cross sections and/or detailed topographic mapping for the IDNR Division of Water to complete an analysis of the site.)

If the site is located in the floodway or in a floodplain where the floodway limits have not been identified and the *drainage area is less than one square mile**, the applicant must provide a hydraulic analysis including a base flood elevation for the site.

If the site is located in a regulatory floodway, do not issue the local permit until the applicant obtains either a IDNR permit or verification/documentation that an IDNR permit is not required. A copy of the IDNR permit or verification/documentation should be kept with the local permit application. Keep in mind that a local permit cannot be less restrictive than a State issued permit.

If the site is not located in a regulatory floodway, only local floodplain regulations apply and no IDNR permit is needed.

**If it is uncertain whether the drainage area is greater than one square mile, you may request a drainage area determination from IDNR.*

Continue on to Step 5.

STEP 5

Determine if the project includes construction of a new building or substantial improvement of an existing building.

A “building” is a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

A “substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50%* of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a “historic structure”, provided that the alteration will not preclude the structures’ continued designation as a “historic structure”. **Some communities are more restrictive (i.e. 40%)*

If the project includes a new building, a substantial improvement made to an existing previously unaltered building, or a structural alteration made to a previously altered building, proceed to Step 6.

If the project does not include a new building, a substantial improvement made to an existing previously unaltered building, or a structural alteration made to a previously altered building, go on to Step 8.

STEP 6

Determine the base flood elevation (BFE) for the site. If your community has BFE information for the site in either the profiles found in the FIS or the FIRM, you should determine the BFE for the proposed site from these sources.

If the applicant in Step 4 previously obtained a floodplain analysis/regulatory assessment from IDNR, use the BFE information provided by IDNR.

If the base flood elevation information is not available from the FIS profile or FIRM and not previously obtained from IDNR, have the applicant request the base flood elevation (floodplain analysis/regulatory assessment) for the site from the IDNR Division of Water. *(In some cases, the applicant may need to supply surveyed cross sections and/or detailed topographic mapping for the Division of Water to complete an analysis of the site.)*

IDNR Division of Water can only provide floodplain information for sites with upstream drainage areas greater than one square mile. For sites with upstream drainage areas that are less than one square mile, you must require the applicant to provide a hydraulic analysis which includes the BFE for the site. If it is uncertain whether the drainage area is greater than one square mile, you can request a drainage area determination from IDNR.

Proceed to Step 7

STEP 7

If the development is the placement of a new building having a floor area greater than 400 square feet*, a substantial improvement made to an existing previously unaltered building, or a structural alteration made to a previously altered building, the building protection requirements of your floodplain ordinance must be met. Review the construction plans to make sure the building will be protected to the FPG, which is two feet above the base flood elevation. Protecting buildings to the FPG can be achieved by one of three methods:

a. Elevating on fill: Check the plans to ensure that the top of the fill is at or above the FPG and meets all other requirements of Local, State, and Federal standards. Ensure that fill extends at least 10 feet beyond the foundation of the building before sloping below the FPG. The slopes should be no steeper than 3 horizontal to 1 vertical when using vegetative cover

b. Elevating on posts piers, columns, an enclosure below the elevated structure, or other types of similar foundation: Check the plans to ensure that

- the structure will be properly anchored to resist collapse or flotation;
- materials used below the lowest floor are resistant to flood damage;
- all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters are located at or above the flood protection grade;
- all water and sewer pipes, electrical and telephone lines located below the flood protection grade are waterproof; and,
- if an enclosure is used, there must be permanent openings no higher than one foot above grade (openings of at least 1 square inch for every square foot of enclosed area subject to flooding).

c. Floodproofing: *This is only an option for non-residential buildings.* A registered professional engineer must certify that the building has been designed so that below the flood protection grade, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The registered engineer must sign and certify a floodproofing certificate.

*Some communities may be more restrictive

Proceed to Step 8.

STEP 8

Once you are assured that the proposed project satisfies all of the applicable Local, State, and Federal regulations pertaining to development/construction, a permit may be issued. Be sure to maintain all appropriate documentation in the applicant's permit file for your records.

Proceed to Step 9.

STEP 9

Perform a site inspection to ensure that the project is proceeding in accordance with the permitted plans. For new or substantially improved structures/buildings, obtain documentation of the as-built lowest floor elevations. It is strongly suggested that this documentation be placed on an approved NFIP Elevation Certificate or Floodproofing Certificate (non-residential).

Proceed to Step 10.

STEP 10

If it is your community's practice to issue occupancy certificates, one may be issued once all Federal, State, and Local requirements have been met.

Continue to Step 11

STEP 11

Maintain a record of all permit files, both issued and denied.