

August 11, 2009

A regular meeting of the Hendricks County Area Plan Commission was held on Tuesday, August 11, 2009 at 6:30 p.m. in Meeting Rooms 4 & 5 of the Hendricks County Government Center, 355 South Washington Street, Danville, Indiana 46122. Members present were: Mr. C. Richard Whicker, President; Mrs. Jo Ann Groves, Vice-President; Mrs. Sonnie Johnston; Mr. Brad Whicker; Mr. Jon Cain; Mr. Eric Wathen; and Dr. Russell Hodgkin. Staff members present were: Mr. Don F. Reitz, AICP, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mrs. Lesa Ternet, Planner; Mr. Eric Fazzini, Plan Technician; and Mrs. Gloria Watts, Recording Secretary.

Mr. Whicker stated that there was a quorum present with seven (7) voting members. Mr. Whicker then opened the meeting with the Pledge of Allegiance.

Mr. Whicker stated that the first order of business was approval of the minutes for the July 14, 2009 meeting.

There being no corrections or additions, Mrs. Groves made a motion to grant approval for the July 14, 2009 minutes.

Mrs. Johnston seconded the motion with Mr. Brad Whicker abstaining.

FOR – 6 – AGAINST – 0 – ABSTAINED – 1 –

Mr. Whicker called for the first public hearing item on the agenda:

TZA 03/09: AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE; by amending Table 4.4 Residential Lot Standards, Table 4.5 Non-Residential Lot Standards, Chapter 7 Development Standards, Chapter 8 Design Standards, Chapter 12 Petitions, Permits and Procedures, and Chapter 15 Definitions.

Mr. Reitz presented the text amendment which he explained was the second half of the set of housekeeping changes the staff was recommending to the 2008 Zoning Ordinance. He stated that the changes to the parking space standards had been incorporated, certain provisions to landscaping parking lots had been rearranged, a modification granting the Plan Commission authority to modify any of the requirements of the section had been added to be consistent, and rewording of certain language in other sections.

Mr. Jon Cain stated that there were some grammar changes he noticed that needed to be made.

Mr. Reitz stated that they would check the wording before printing out the adoption ordinance copy.

There being no further discussion, Mr. Whicker opened the public hearing. There being no one signed up to be heard, Mr. Whicker closed the public hearing and called for a motion.

Mrs. Groves then made a motion to send a favorable recommendation for **TZA 03/09** to the Hendricks County Board of Commissioners.

Mrs. Johnston seconded the motion.

FOR – 7 – AGAINST – 0 – ABSTAINED – 0 –

The ordinance changes were as follows:

Amendment of Table 4.4 Residential Lot Standards and Table 4.5 Non-Residential Lot Standards as follows:

Add:

Row under "Rear Setback" row with the following text: Projection into setbacks: fire escapes, open stairways, balconies, soffits, canopies and other similar architectural features may extend up to three (3) feet into a side or rear setback.

Amendment of Chapter 7 Development Standards as follows:

7.2

- (D)(1)(a) Minimum Size and Maneuvering Space. The minimum size of a parking space shall be as shown on Table 7.1a: Parking Dimensions and Table 7.1b: Parking Illustration. In no instance shall the overhang of a vehicle be considered as part of the required parking space area. Minimum dimensions for semi tractor-trailer parking at truck stops shall be 12.5' x 65'.

Add:

- (D)(3) Parking Layout. In addition to the minimum requirements, a maximum of fifty (50) percent of the required parking shall be located between the front façade and the primary street. The balance of the parking shall be on the rear or side of the primary building.

- (G) Barriers. Wherever a parking ~~lot~~ space extends to a property line, sidewalk, walkway, landscaping, or fencing, the inclusion of wheel stops, concrete curbs, or other suitable barriers shall be required in order to prevent any part of a parked vehicle from extending beyond the property line, s Sidewalk, or walkway, and from destroying the screening materials.

(P)(1) In commercial and industrial districts, commercial vehicles with or without signage which are over eight (8) feet in width and/or nineteen (19) feet in length shall not be stored in a parking area. Such vehicles shall be parked or stored in the required off-street loading space(s) or to the rear of the principal building when not in use or during non-business hours. Truck stops shall be exempt from this section.

7.3

Add:

- (C) Modification. The Plan Commission shall have the authority to modify any of the requirements of this section in accordance with Subsection 2.2(A)(17).

7.5

- (I)(2)(D) Tree Size. All broadleaf/deciduous trees must have at least a two and on-half (2 ½) inch caliper measured a six (6) inches above the top of the rootball, and all evergreen conifers must be a minimum of ~~six (6)~~ four (4) feet in height measured from the top of the rootball when planted.

7.9

- (B)(1)(g) ~~Commercial Vehicles. One (1) vehicle which does not exceed sixteen thousand (16,000) pounds Gross Vehicle Weight is permitted.~~

Add:

- (B)(3)(e) Commercial Vehicles. One (1) vehicle which does not exceed sixteen thousand (16,000) pounds Gross Vehicle Weight is permitted.

7.12

(B)(19) ~~Small Greenhouses, Mini-barns, Sheds, and Gazebos. There shall be one (1) accessory structure allowed per residential lot with its size limited to a maximum of two hundred (200) square feet. Structures under one hundred (120) square feet are exempt from obtaining an Improvement Location Permit unless otherwise noted.~~

Add:

(B)(19) Residential Accessory Structures. For residential accessory structures including, but not limited to, small greenhouses, mini-barns, and gazebos, less than two hundred (200) square feet are exempt from obtaining an Improvement Location Permit but are not exempt from the maximum lot coverage standard of the applicable zoning district.

(C)(1) Outdoor storage of property that is unusable, discarded or in a state of disrepair such as, but not limited to: junk, lumber, building materials, parking of inoperative vehicles, junk, abandoned or unlicensed motor vehicles, motor vehicle parts or similar items, shall not be permitted in any District unless specifically permitted by the specific zoning district regulations. For permissible outdoor storage, refer to Section 7.14 Outdoor Sales, Display, and Storage Standards.

Amendment to Chapter 8 Design Standards as follows:

8.3

(G)(1) A connection shall be established from abutting streets with sidewalks to the entrance of primary structures through the use of sidewalks and special demarcation.

Add:

(P) Modification. The Plan commission shall have the authority to modify any of the requirements of this section in accordance with Subsection 2.2(A)(17).

Amendment to Chapter 12 Petitions, Permits, and Procedures as follows:

12.10

(A) IMPROVEMENT LOCATION PERMITS REQUIRED. No building or other structure shall be erected, demolished, moved, added to, or altered, changed, placed, or be established or changed in use, on platted or unplatted lands without a permit issued by the Director.

(C)(2) The location of the structure, improvement, or use to be altered, demolished, changed, placed, erected, or located;

Amendment to Chapter 15 Definitions as follows:

HEIGHT: Defined as:

1. Structure or Building Height: In all instances, the height of a structure shall be measured from the average elevation of the proposed finished grade to the highest point of the structure. Exemptions are listed in Section 7.7 Height Standards.
2. ~~Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.~~

32. Building Maximum: The maximum allowable vertical distance of a building or structure. Certain height exceptions are permitted according to the provisions of Section 7.7 Height Standards.

OUTDOOR STORAGE: The keeping, in an unroofed area, of any raw goods or material for manufacture, wholesale materials, junk, or vehicles (not for sale) in the same place storage of any materials outside the principal or accessory buildings on a property for more than twenty-four (24) hours, provided however that truck and/or tractor-trailer unit parking associated with a legally established warehouse or distribution center shall not be deemed outdoor storage.

Mr. Whicker called for the next public hearing item.

TZA 04/09: AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE; by amending Chapter 10 Floodplain Management and Chapter 15 Definitions.

Mr. Reitz then presented the amendment to Chapter 10 of the 2008 Zoning Ordinance. He stated that Hendricks County was a participant in the National Flood Insurance Program, which was operated by FEMA and allowed citizens to obtain flood insurance at reasonable rates and which was a substantial benefit to the citizens of the county. He stated that in order to participate, the county had to incorporate a floodplain management ordinance and said ordinance had to be updated periodically. He stated that the reasons for the current changes were that the old flood maps had been in effect since 1981 and were being replaced as of September 25, 2009. He stated those maps had to be referenced specifically in the floodplain management ordinance. He stated that there were a number of smaller changes to the ordinance such as specifically adding the communities of Amo, Coatesville, Stilesville, and North Salem, which were under the Plan Commission's jurisdiction and who would be participants in the Flood Insurance Program.

Mr. Whicker asked if the changes and additions were already written out.

Mr. Reitz stated that FEMA had a template which went through the DNR and they distributed it to the various communities.

Mr. Whicker asked for questions or comments.

Dr. Hodgkin asked a question about the changes and whether there was any grandfathering from the previous ordinance.

Mr. Reitz stated that it was not that the regulations were changing but the amount of area covered under the program. He stated that the amount of floodplain had increased and, in fact, in the small towns there had actually not been any regulated floodplain. He stated that now they did and this was vitally important.

Dr. Hodgkin then asked if he thought it would not change the classification of any of the participants who were in a floodplain.

Mr. Reitz stated that there had been public hearings for the past two years on the matter and they were now at the end of the process. He stated that there would be some areas that were no longer considered in a floodplain and other areas that now were and were subject to the regulations. He stated that there had been federal, state and local public hearings and fair notice had been given to all property owners.

Mr. Cain asked what a "non-boundary river floodway." was

Mr. Reitz stated he was not sure of the answer to that question.

There being no further questions, Mr. Whicker opened the public hearing. There being no one signed up to be heard, Mr. Whicker closed the public hearing and called for a motion.

Mr. Cain made a motion to send a favorable recommendation to the Hendricks County Board of Commissioners.

Dr. Hodgkin seconded the motion.

FOR – 7 – AGAINST – 0 – ABSTAINED – 0 –

The ordinance changes were as follows:

Amendment of Chapter 10 Floodplain Management as follows:

10.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

A. STATUTORY AUTHORIZATION. The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Board of Commissioners of Hendricks County does hereby adopt the following floodplain management regulations.

B. FINDINGS OF FACT.

1. The flood hazard areas of unincorporated Hendricks County and the incorporated Towns of Amo, Coatesville, North Salem, and Stilesville, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

C. STATEMENT OF PURPOSE. It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging, and other developments which may increase erosion or flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,
6. Make federally subsidized flood insurance available for structures and their contents in the County jurisdiction of the Hendricks County Area Plan Commission (including the unincorporated areas of Hendricks County and the incorporated Towns of Amo, Coatesville, North Salem, and Stilesville, by fulfilling the requirements of the National Flood Insurance Program.

D. OBJECTIVES. The objectives of this chapter are:

1. To protect human life and health;

2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
6. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and;
7. To ensure that potential home-buyers are notified that property is in a flood area.

10.2 GENERAL PROVISIONS

- A. LANDS TO WHICH THIS CHAPTER APPLIES. This chapter shall apply to all SFHAs within the jurisdiction of the Hendricks County Area Plan Commission.
- B. BASIS FOR ESTABLISHING REGULATORY FLOOD DATA. This chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.
 1. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs ~~of County~~ shall be as delineated on the 100-year flood profiles in the Flood Insurance Study (FIS) of Hendricks County and Incorporated Areas, ~~dated March 16, 1981~~, and the corresponding Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency and dated March 16, 1981 September 25, 2009, ~~as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency (FEMA) with the most recent date.~~
 2. The regulatory flood elevation, floodway, and fringe limits for each of the unstudied SFHAs ~~of the County~~ delineated as an "A Zone" on the FIRM of Hendricks County and Incorporated Areas shall be according to the best data available as provided by the Indiana Department of Natural Resources.
- C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT. A Floodplain Development Permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities in areas of special flood hazard.
- D. COMPLIANCE. No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this chapter and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations.
- E. ABROGATION AND GREATER RESTRICTIONS. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. DISCREPANCY BETWEEN MAPPED FLOODPLAIN AND ACTUAL GROUND ELEVATIONS
 1. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
 2. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

3. If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a Letter of Map Amendment (LOMA).

G. INTERPRETATION.

1. In the interpretation and application of this chapter all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and,
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
2. Unless specifically defined in Chapter 15: Definitions, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

H. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of Hendricks County, the Towns under the jurisdiction of the Hendricks County Area Plan Commission, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

J. PENALTIES FOR VIOLATION. Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this chapter. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Hendricks County.

1. A separate offense shall be deemed to occur for each day the violation continues to exist.
2. The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
3. Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

10.3 ADMINISTRATION

A. DESIGNATION OF ADMINISTRATOR. The Board of Commissioners of Hendricks County hereby appoints the Director of the Planning and Building Department to administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator.

B. PERMIT PROCEDURES. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms available in the Planning and Building Department prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. The Floodplain Development Permit shall accompany any required Development Plan or Plat. Specifically, the following information is required:

1. Application stage.
 - a. A description of the proposed development;

- b. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
 - c. A legal description of the property site;
 - d. A site Development Plan showing existing and proposed development locations and existing and proposed land grades;
 - e. Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
 - f. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed;
 - g. Description of the extent to which any watercourse will be altered or related as a result of proposed development, and;
2. Construction stage. Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey, or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR. The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this chapter. The Administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose. Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

1. Review all Floodplain Development Permits to assure that the permit requirements of this chapter have been satisfied;
2. Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
3. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Subsection 10.4(E) and Subsection 10.4(G)(1) of this chapter, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)
4. Ensure that all necessary federal or state permits have been received prior to issuance of the local Floodplain Development Permit. Copies of such permits are to be maintained on file with the Floodplain Development Permit;
5. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
6. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (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 chapter.

7. Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
8. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
9. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with [Subsection 10.3\(B\)](#);
10. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with [Subsection 10.3\(B\)](#);
11. Review certified plans and specifications for compliance.
12. Stop Work Orders
 - a. Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease.
 - b. Such notice shall be in accordance with [Section 13.3 Construction Process Violations](#).
13. Revocation of Permits
 - a. The Floodplain Administrator may revoke a permit or approval, issued under the provisions of the chapter, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - b. The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.
14. Inspect sites for compliance. This section of the zoning ordinance is essential for the county to remain a participant in the National Flood Insurance Program (NFIP). Failure to comply with these regulations may cause the county to be expelled from the NFIP. Therefore it is essential for the health, safety and welfare of each property subject to this section to remain in compliance and to ensure that Hendricks County remain in good standing with the NFIP, and to further that end, the County officials authorized to enforce said program shall have the right to enter and inspect properties located in the floodplain.

10.4 PROVISIONS FOR FLOOD HAZARD REDUCTION

- A. GENERAL STANDARDS. In all SFHAs the following provisions are required:
1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
 2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
 3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
 4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

5. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this chapter shall meet the requirements of "new construction" as contained in this chapter; and,
10. Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this chapter, shall be undertaken only if said non-conformity is not further, extended, or replaced.

B. SPECIFIC STANDARDS. In all SFHAs, the following provisions are required:

1. Applicability. In addition to the requirements of Subsection 10.5(A), 10.4(A) all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
 - a. Construction or placement of any new structure having a floor area greater than 400 square feet;
 - b. ~~Structural alterations made to~~ Addition or improvement made to any existing structure:
 - 1) ~~an existing (previously unaltered structure), the cost of which equals or exceeds fifty percent (50%) of the value of the pre-altered structure (excluding the value of the land) where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);~~
 - 2) ~~any previously altered structure~~ with a previous addition or improvement constructed since the community's first floodplain ordinance.
 - c. Reconstruction or repairs made to a damaged structure that is valued at more than fifty percent (50%) of the market value of the structure (excluding the value of the land) before damages occurred;
 - d. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days;
 - e. Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
 - f. Reconstruction or repairs made to a repetitive loss structure.
2. Residential Construction. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Subsection 10.4(B)(4).

3. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:
 - a. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Subsection 10.3(C)(10).
 - b. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
4. Elevated Structures. New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - 1) provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area; and
 - 2) the bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and
 - 3) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and
 - 4) access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
 - 5) the interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and
 - 6) portions of the building below the flood protection grade must be constructed with materials resistant to flood damage.
5. Structures Constructed on Fill. A residential or non-residential structure may be constructed on a permanent landfill in accordance with the following:
 - a. The fill shall be placed in layers no greater than one (1) foot deep before compacting to ninety-five (95%) of the maximum density obtainable with the Standard Proctor Test method.
 - b. The fill should extend at least ten (10) feet beyond the foundation of the structure before sloping below the FPG.
 - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 - d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - e. The top of the lowest floor including basements shall be at or above the FPG.

6. Standards for Structures Constructed with a Crawlspace. A residential or non-residential structure may be constructed with a crawlspace located below the flood protection grade provided that the following conditions are met:
 - a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
 - b. Any enclosed area below the flood protection grade shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area. The bottom of the openings shall be no more than one (1) foot above grade; and
 - c. The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall must not exceed four feet at any point; and
 - d. Utility systems within the crawlspace must be elevated above the flood protection grade.
 - e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and
 - f. Portions of the building below the flood protection grade must be constructed with materials resistant to flood damage.
 - g. The interior grade of the crawlspace must be at or above the base flood elevation.
7. Standards for Manufactured Homes and Recreational Vehicles. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:
 - a. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
 - 1) outside a manufactured home park or subdivision;
 - 2) in a new manufactured home park or subdivision;
 - 3) in an expansion to an existing manufactured home park or subdivision; or
 - 4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
 - b. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
 - c. Recreational vehicles placed on a site shall either:
 - 1) be on site for less than 180 days; and,
 - 2) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

- 3) meet the requirements for “manufactured homes” as stated earlier in this section.

C. STANDARDS FOR SUBDIVISION PROPOSALS.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres.

D. CRITICAL FACILITY. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

E. STANDARDS FOR IDENTIFIED FLOODWAYS.

1. Located within SFHAs, established in Subsection 10.2(B) are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources 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 structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. [IC 14-28-1-26 allows construction of non-substantial additions/ improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.]
2. No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in a floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 10.4 Provisions for Flood Hazard Reduction of this chapter have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community’s more restrictive regulations (if any) shall take precedence.
3. No development shall be allowed which, acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one (1) foot; and

4. For all projects involving channel modifications or fill (including levees) the County shall submit the data and request that the FEMA revise the regulatory flood data.
- F. STANDARDS FOR IDENTIFIED FRINGE. If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Section 10.4 Provisions for Flood Hazard Reduction of this chapter have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.
- G. STANDARDS FOR SFHAs WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS/FRINGES.
 1. Drainage area upstream of the site is greater than one (1) square mile:
 - a. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
 - b. No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the 100-year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
 - c. Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Section 10.4 Provisions for Flood Hazard Reduction of this chapter have been met.
 2. Drainage area upstream of the site is less than one (1) square mile:
 - a. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, fringe and 100-year flood elevation for the site.
 - b. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 10.4 Provisions for Flood Hazard Reduction of this chapter have been met.
 3. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

10.5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

- A. DESIGNATION OF VARIANCE AND APPEALS BOARD. The Board of Zoning Appeals as established by Board of Commissioners of Hendricks County shall hear and decide appeals and requests for variances from requirements of this chapter.
- B. DUTIES OF VARIANCE AND APPEALS BOARD. The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in

the enforcement or administration of this chapter. Any person aggrieved by the decision of the board may appeal such decision to the Hendricks County Circuit Court, as provided by Statute.

C. VARIANCE PROCEDURES. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and;

1. The danger of life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The importance of the services provided by the proposed facility to the community;
4. The necessity to the facility of a waterfront location, where applicable;
5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
6. The compatibility of the proposed use with existing and anticipated development;
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

D. CONDITIONS FOR VARIANCES.

1. Variances shall only be issued when there is:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and,
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
2. No variance for a residential use within a floodway subject to Subsection 10.4(E) and or Subsection 10.4(G)(1) of this chapter may be granted.
3. Any variance granted in a floodway subject to Subsection 10.4(E) and or Subsection 10.4(G)(1) of this chapter will require a permit from the Indiana Department of Natural Resources.
4. Variances to the Provisions for Flood Hazard Reduction of Subsection 10.4(B), may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
6. Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

7. Any application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See [Subsection 10.5\(E\)](#)).
 8. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the FEMA or the Indiana Department of Natural Resources upon request (See [Subsection 10.5\(E\)](#)).
- E. VARIANCE NOTIFICATION. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the FEMA. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
1. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
 2. Such construction below the base flood level increases risks to life and property.
- F. HISTORIC STRUCTURE. Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.
- G. SPECIAL CONDITIONS. Upon the consideration of the factors listed in [Section 10.5 Floodplain Management Variance Procedures](#), and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

Amendment of Chapter 15 Definitions as follows:

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34. Lowest Floor: means the lowest of the following:

- e. the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of ~~6-a~~ [Section \(F\)\(1\)](#).

52. Regulatory Flood: means the 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 elevation at any location is as defined in [Subsection 10.2\(B\) Article 3\(B\)](#) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood," "One-Percent Annual Chance Flood," and "100-Year Flood."

55. Special Flood Hazard Area (SFHA): means those lands within the ~~jurisdictions (including extraterritorial jurisdictions) of the County~~ jurisdiction of the [Hendricks County Area Plan Commission](#) subject to inundation by the regulatory flood. The SFHAs of the Hendricks County are generally identified as such on the Flood Insurance Rate Map of Hendricks County and Incorporated Areas [prepared by the Federal Emergency Management Agency and dated \[Date of FIRM\] September 25, 2009, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.](#) (These areas are shown on a FIRM as Zone A, AE, A1 – A30, AH, AR, A99, or AO).

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Mr. Reitz then added in reference to the foregoing floodplain ordinance amendment that one of the points in the program was attempting to also become a member of the CRS or Community Rating System. He stated that they were now doing the basic things necessary to be able to participate in the Flood Insurance Program. He stated that there were additional things and additional responsibilities or more sophisticated things that would actually "bump" the county's rating up and put it into the CRS. He stated that for every step taken in the CRS, there was a commensurate reduction in flood insurance rates for the citizens of the county.

Mr. Cain asked if he had an example of what additional things could be done.

Mr. Reitz stated that it was mostly record keeping or keeping track of minute changes in the floodplain. He stated that citizens had the right to contest whether or not they were in the floodplain and the general modeling over wide areas caused minute geographical changes in rural areas that did not necessarily get picked up. He stated that a property owner might say that even though he was in the floodplain, his property had not flooded in seven years and he might want to challenge the flood rating for his property. He stated that in some cases through engineering studies, a property could be taken out of the floodway. He stated that those kinds of changes under the CRS would be the county's responsibility for tracking and preparing the database, etc.

Dr. Hodgkin asked what would the impetus be on a property owner to discover or whether there was some kind of information readily available and publicized so that the property owner would know that, in fact, their status had changed.

Mr. Reitz stated that the maps were available to the public and property owners had been notified through public notices that they were affected by the changes.

Dr. Hodgkin asked if the maps would be online.

Mr. Reitz stated he did not know. He stated that his office had CD's of the map changes.

Mrs. Johnston stated that her daughter had found out the information when she went to update her insurance coverage.

Mr. Reitz stated that one of the personal goals of the designated floodplain administrator in his department, Tonya Cottrell, was to get the county into the CRS program.

Mr. Whicker suggested a press release to help inform citizens and to convey to them the efforts that the planning department was going to make which might help mitigate their expenses if they are in an affected area.

Mr. Reitz stated that could be done.

Mr. Whicker then called on Mr. Reitz to present any items for discussion.

Mr. Reitz stated that there would be three discussion items. He started with the Wind Farm Overlay District. He referred to copies distributed to the members. He stated that the last discussion had on the matter indicated that it was the staff's position that rezoning would be the best way to go.

Mr. Whicker explained to Mr. Brad Whicker who had not been present for the discussion that the consensus was to use an overlay so that the underlying zoning stayed in place.

Mr. Reitz discussed the draft ordinance presented as an overlay district. He stated that the wind farm overlay district would be similar to the existing town center overlay district. He stated that the proposed overlay permitted wind farms and permitted uses in the underlying zoning, which should be agricultural residential. He stated that the problem was what development standards would apply to the wind farm use, such as setbacks. He stated that the wording used in Section D served to provide

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flexibility and allow the underlying zoning to apply when necessary. He stated that would be important as it applied to setbacks which would be different for a wind farm and an agriculture residential use. Mr. Reitz stated that requirements for liability insurance were left in the model ordinance as well as requirements for decommissioning. He stated that knowing the Plan Commission may not want those items in the ordinance, he had followed up with the Clinton County Planner whose attorney was in favor of the liability standards. He stated those requirements seemed to be fairly consistent for all wind farm ordinances.

Mrs. Groves asked if the overlay district applied to all of the unincorporated areas of the county.

Mr. Reitz stated that it would be a floating overlay that did not exist until someone petitioned for it and it would be anywhere within the county's jurisdiction.

Mrs. Groves asked if a second step was required.

Mr. Reitz stated not necessary for an overlay district with the assumption that the underlying zoning would be agriculture/residential.

Mr. Whicker asked for further questions and then asked what action was being requested by the staff.

Mr. Reitz stated that assuming the Plan Commission was comfortable with the model ordinance presented, it could be placed on the agenda for a vote.

After further discussion, there was a consensus to place the ordinance on the September agenda for a recommendation to the Board of County Commissioners.

Mr. Reitz then began a discussion on another follow up item, that being the regulation of noncommercial Wind Energy Conversion Systems. He stated that they were not sure about the third page as to making the non-commercial Wind Energy Conversion Systems a special exception in all zoning districts. He stated that as a special exception, there would need to be decision criteria that applied. He stated that there had been at the previous meeting some discussion on what would occur when a system became inoperable. He reviewed the provisions proposed in the ordinance and how they pertained to the discussion and concerns of the Plan Commission at the previous month's meeting.

Mr. Whicker discussed the intent of 12.7(D), Item #3.1 and what was being proposed.

Mr. Reitz explained the intent of that item and there was further discussion on the matter by the members and Mr. Reitz. Mr. Reitz summarized that it would prevent an applicant getting approval by showing one system on an initial plot plan and then coming in with more than one.

Mr. Whicker called for a consensus. After some discussion, there was a consensus to being placed on the September agenda for a recommendation.

Mr. Eric Fazzini then presented for discussion the LEED certification. He stated that there had recently been two projects before the Commission that had been pursuing a LEED certification. He explained that LEED stood for Leadership in Energy and Environmental Design, a Green Building rating system. He stated that the certification encouraged sustainable green building practices in developing through the creation and implementation of universally understood and accepted tools and performance criteria. He gave a presentation on LEED certification standards and that they were based on the following categories of performance: 1) sustainable sites 2) water efficiency 3) energy & atmosphere 4) materials & resources 5) indoor environmental quality 6) locations and linkages 7) awareness & education 8) innovation & design and 9) regional priority credits based on zip code. He explained how homes were selected for certification. He stated that one of the projects that recently received Plan Commission approval and was pursuing the LEED certification was DPR 419/09: Project Centerline located in Liberty Township in the 70 West Commerce Park at State Road 39 and north of Interstate 70. He stated that the

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development plan review stage of a project could be LEED certified by low impact development techniques, storm water best management practices, conservation of natural resources, environmental health and renewable resources.

Mr. Whicker asked if Mr. Fazzini felt as a whole that the county ordinance was congruent with the LEED initiatives or was it an impediment.

Mr. Fazzini stated that he felt the county's conservation was at a high level but it could do better with providing incentives for doing alternate methods instead of a certain amount of interior lot landscaping and doing rain gardens or reducing application fees for green roofs, etc. He suggested an increased lot coverage percentage if certain techniques were used or LEED was being pursued. He stated that he felt it took a commitment to pursue a LEED certified building project and something that would benefit a large company would be a goal the county would want to achieve rather than regulating outright.

Mr. Whicker asked about Mr. Fazzini's comments regarding density per acre.

Mr. Fazzini stated he thought the density figures were included in the neighborhood development as well as homes but that density was pushed more in the neighborhood development. He stated that a lot of the graphics used in the model ordinances were infill projects.

Mr. Whicker asked about the BMP's for LEED certification that were already dealt with in the county.

Mr. Fazzini stated that there were twelve items that were preapproved. He stated those items were not required but were methods a developer might want to use. He stated that anything approved by Indianapolis, the county had the ability to enforce.

Mr. Whicker asked about underground detention.

Mr. Fazzini stated that our ordinance allowed underground detention as long as it removed seventy percent of total suspended solids.

Mr. Wathen stated that our ordinance allowed a low impact design but it would require a lot of variances, etc.

Mr. Whicker asked Mr. Fazzini if he was considering becoming a LEED certified associate.

Mr. Fazzini stated he had not thought about it but was not sure that a planner could attain it.

Mr. Reitz stated that he knew of several planners that were LEED certified.

Mr. Fazzini asked if it required professional experience in the building trades.

Mr. Whicker suggested Mr. Fazzini look into it and that he felt it would personally benefit him and would benefit the Hendricks County Planning & Building Department.

Mr. Brad Whicker stated that the National Association of Home Builders offered an associate green professional designation, which might be easier and more affordable.

Mr. Fazzini stated that while a lot of the things were site issues, he believed up to forty percent were internal building efficiency items or building code issues.

Mr. Whicker stated he agreed that the issues faced by the planning commission would be site related such as drainage and not necessarily interior issues.

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Mr. Whicker asked for further questions or comments and thanked Mr. Fazzini for his presentation.

Mr. Wathen stated that he had some discussion items to present. He stated that he would be meeting with the Town of Brownsburg for their long term annexation plans. He stated it would be the area south of County Road 700 North between Brownsburg and Pittsboro. He also stated that Project Centerline now indicated they wanted to move their site closer to State Road 39 and they might be back on the Plan Commission's agenda for next month. He stated their request to waive fees would not be accepted. He then stated that Aacme Auto Parts was not living up to their commitment for landscaping and buffering at the site as he had received a phone call from a neighbor in the area. He asked for the planning department to send an inspector out to the site to check on those issues.

Mr. Reitz commented that Aacme Auto Parts was behind in their commitment schedule and they had until September 12th to get back on target or they were informed that they would be required to meet again with the Plan Commission.

Mrs. Ternet stated that her office had received a call last week from Mrs. Musick who informed her that she thought Aacme was burying the debris on the site rather than removing it. Mrs. Ternet stated that she had informed the Environmental Health Department and an inspector was sent to the site and did not see any evidence that debris was being buried. She stated that she had found out that Aacme was allowed to bury some items, such as concrete, bricks, etc. She then stated that she and Mr. Fazzini had also visited the site and found that some progress had been made but not a lot. She stated that a letter was then sent to Mr. White informing him that although he had been given until September 12th to comply with his landscaping commitments, he had to show some progress on his other commitments as well.

Mr. Whicker then commented on the Town of Brownsburg's annexation plans. He stated that as long as they met statutory requirements, they could move forward.

Mr. Brad Whicker asked what their motivation for the annexation plans was.

Mr. Wathen commented that it was for their tax base.

There being no further discussion, Mr. Whicker adjourned the meeting at 7:30 p.m.

Don F. Reitz, AICP, Secretary