
TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #23-425**DIGEST**

Amends [312 IAC 10-1-2](#) to accurately reflect a statutory reference by adding [IC 14-27-7.5](#). Amends [312 IAC 10-2-28](#) to update the definition of "lowest floor" by adding the description for coastal high hazard areas. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)[312 IAC 10-1-2](#); [312 IAC 10-2-28](#)

SECTION 1. [312 IAC 10-1-2](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 10-1-2](#) Scope

Authority: [IC 14-28-1-5](#); [IC 14-28-3-2](#)

Affected: [IC 14-27-7](#); [IC 14-27-7.5](#); [IC 14-28-1](#); [IC 14-28-3](#)

Sec. 2. (a) This article establishes minimum standards for the delineation and regulation of flood plains to decrease existing flood damages, mitigate future flood damages, and promote the health, safety, and welfare of the people of Indiana.

(b) The article is written with an understanding of the legislative declaration that the loss of lives and property caused by floods and the damage resulting from floods is a matter of deep concern to Indiana affecting the life, health, and convenience of the people and the protection of property. Floodways should not be inhabited and should be kept free and clear of interference or obstructions that will cause any undue restriction of the capacity of the floodways. The water resources of Indiana that have been diminished should be accumulated, preserved, and protected to prevent any loss or waste beyond reasonable and necessary use.

(c) Except as provided in subsection (b), the flood plains subject to regulation are those along waterways having a drainage area of at least one (1) square mile.

(d) The exemption in subsection (c) does not apply to an activity that is subject to [IC 14-27-7 IC 14-27-7.5](#).

(e) A local ordinance incorporating flood plain management provisions adopted after July 1, 1974, and before January 1, 2000, must be no less effective than [310 IAC 6-1](#), before its repeal, and must be approved by the division before its effective date.

(f) A local ordinance incorporating flood plain management provisions adopted after December 31, 2001, must be no less effective than this article and must be approved by the division before its effective date.

(Natural Resources Commission; [312 IAC 10-1-2](#); filed Jul 5, 2001, 9:12 a.m.: 24 IR 3384, eff Jan 1, 2002; readopted filed Jul 21, 2008, 12:00 p.m.: [20080813-IR-312080072RFA](#); readopted filed Sep 22, 2014, 12:34 p.m.: [20141022-IR-312140065RFA](#); readopted filed Sep 16, 2020, 8:17 a.m.: [20201014-IR-312200345RFA](#); errata filed Mar 11, 2021, 12:08 p.m.: [20210324-IR-312210114ACA](#))

SECTION 2. [312 IAC 10-2-28](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 10-2-28](#) "Lowest floor" defined

Authority: [IC 14-28-1-5](#); [IC 14-28-3-2](#)

Affected: [IC 14-27-7](#); [IC 14-27-7.5](#); [IC 14-28-1](#); [IC 14-28-3](#)

Sec. 28. "Lowest floor" means the lowest elevation described among the following:

(1) The lowest floor of a building.

- (2) The basement floor.
- (3) The garage floor, if the garage is connected to the building.
- (4) The first floor of a building elevated on pilings or constructed on a crawl space.
- (5) The floor level of an enclosure below an elevated building where the walls of the enclosure provide some resistance to the flow of flood water, unless both of the following requirements are satisfied:
 - (A) The walls are designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of flood water.
 - (B) At least two (2) openings are designed and maintained for the entry and exit of flood water, and these openings provide a total of at least one (1) square inch for every square foot of enclosed floor area subject to flooding. The bottom of an opening can be ~~no~~ **not** more than one (1) foot above grade. Doorways and windows do not qualify as openings under this clause.
- (6) The first floor of a building elevated on pilings or columns in a coastal high hazard area (as defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.**

(Natural Resources Commission; [312 IAC 10-2-28](#); filed Jul 5, 2001, 9:12 a.m.: 24 IR 3387, eff Jan 1, 2002; readopted filed Jul 21, 2008, 12:00 p.m.: [20080813-IR-312080072RFA](#); readopted filed Sep 22, 2014, 12:34 p.m.: [20141022-IR-312140065RFA](#); readopted filed Sep 16, 2020, 8:17 a.m.: [20201014-IR-312200345RFA](#))

[Notice of Public Hearing](#)

[Notice of Intent was published in the manner set forth in [IC 4-22-2](#), before its amendment July 1, 2023]

Posted: 07/12/2023 by Legislative Services Agency
An [html](#) version of this document.