

APPENDIX I-C: MODEL ORDINANCE FOR FLOODPLAIN MANAGEMENT

Statutory Authority

- Shorelands Management and Protection Act (P.A. 451 of 1994) MCLA 324.32301 et seq.;
- Floodplain Regulatory Authority in P.A. 245 of 1929 as amended by Act 167, P.A 1968, MCLA 323.1;
- Inland Lakes and Streams Act, (P.A. 451 of 1994) MCLA 324.30101 et seq.;
- Soil Erosion and Sedimentation Control Act (P.A. 451 of 1994) MCLA 324.9101 et seq.;
- Michigan Environmental Protection Act (P.A. 451 of 1994) MCLA 324.1701 et seq.;
- County Rural Zoning Enabling Act, P.A. 183 of 1943, MCLA 125.201 et seq.;
- City and Village Zoning Act, P.A. 207 of 1921, MCLA 125.581 et seq.;
- Township Rural Zoning Act, P.A. 184 of 1943, MCLA 125.271 et seq.;
- See also: Michigan Administrative Code of 1979, Annual Administrative Code Supplement of 1984, R 323.1311 to R 323.1329 and State Construction Code/BOCA National Code, Section 2101.6.

Definitions

BASE FLOOD - the flood having a one percent chance of being equaled or exceeded in any given year, i.e. a one hundred year flood.

DEVELOPMENT - any human change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FLOOD OR FLOODING - a general and temporary condition of partial or complete inundation of normally dry land areas from:

- the overflow of inland or Great Lakes waters; or
- the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) (*insert only if your community has this map*) - an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

FLOOD HAZARD AREA - land which on the basis of available floodplain information is subject to a one percent or greater chance of flooding in any given year.

FLOOD INSURANCE RATE MAP (FIRM) (*insert only if a FIRM has been prepared for your community*) - an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (*insert only if a flood insurance study has been prepared for your community*) is the official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Hazard Boundary- Floodway Map.

FLOODPLAIN - any land area susceptible to being inundated by water from any source (see definition of flood).

FLOODWAY - the channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

HARMFUL INCREASE - an unnaturally high stage on a river, stream or lake which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.

STRUCTURE - a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home.

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition,

.substantial improvement. is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Ordinance Language

The following language is adapted from the Department of Natural Resources model floodplain ordinance where the definitions above also originated. It goes beyond the minimum requirements of the National Flood Insurance Program by

prohibiting the establishment of any permanent principal structure in a flood hazard area.

Section ___ *Filling and Dumping*

Page 61

Dredging and filling and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be

maintained or improved, and unless all applicable state regulations are met including but not limited to approvals pursuant

to: P.A. 245 of 1929, as amended by P.A. 167 of 1968; P.A. 347 of 1972, as amended; P.A. 346 of 1972, as amended; and

P.A. 203 of 1979, as amended.

Section ____ *General Standards for Flood Hazard Reduction*

1. No building or structure to house a principal use shall be erected, converted or substantially improved or placed, and

no land filled or structure used, in a floodplain district unless a zoning compliance permit, or variance from the zoning

board of appeals, is obtained, which approval shall not be granted until a permit from the Department of Natural Resources under authority of Act 245 of the Public Acts of 1929, as amended by Act 167 of the Public Acts of 1968 has

been obtained. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

2. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.

3. The ____ (*insert title of enforcement officer*) or his or her representative shall review development proposals to determine compliance with the standards in this section, and shall transmit his or her determination to the Planning Commission.

4. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.

5. The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed

to insure flood carrying capacity shall be maintained.

6. Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of

this section. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.