

## Article 4

### Flood Hazard Areas Overlay District

### Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

## **Article 4: Flood Hazard Areas Overlay Zoning District**

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### **Section 401. Intent**

- A. It is the intent and purpose of this Article to significantly reduce hazards to persons and damage to property as a result of flood conditions in Alabaster Township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments, and the rules and regulations promulgated in furtherance of this program by the United States Department of Housing and Urban Development, Federal Insurance Administration, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976.
- B. Further, the objectives of this Article include:
1. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
  2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood-damaged public facilities and utilities, and the redevelopment of flood-damaged homes, neighborhoods, commercial and industrial areas;
  3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
  4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
  5. To insure that the public has access to information indicating the location of land areas subject to periodic flooding; and
  6. To preserve the ability of flood plains to carry and discharge a base flood.

### **Section 402. Delineation of the Flood Hazard Area Overlay Zone**

- A. The flood hazard area zone shall overlay existing zoning districts delineated elsewhere in this ordinance and the official Alabaster Township Zoning Map. The boundaries of the flood hazard area zone shall coincide with the boundaries of the areas of special flood hazards (A Zones) designated by the Federal Insurance Administration the Flood Hazard Boundary Map. The term flood hazard area zone, as used in this ordinance, shall mean the flood hazard zone.
- B. Where there are disputes as to the location of a flood hazard area zone boundary, the Zoning Board of Appeals shall resolve the dispute in accordance with provisions for interpretation.

- C. In addition to other requirements of this ordinance applicable to development in the underlying zoning district, compliance with the requirements of the Article shall be necessary for all development occurring within the flood hazard area zone. Conflicts between the requirements of this Article and other requirements of this ordinance or any other ordinance shall be resolved in favor of this Article, except where the conflicting requirement is more stringent and would further the objectives of this Article to a greater extent than the requirements of this Article. In such cases the more stringent requirement shall be applied.

#### **Section 403. Development Permit**

Development, including the erection of structures and placement of mobile homes, within a flood hazard area zone shall not occur except upon issuance of a zoning compliance permit in accord with other requirements in this ordinance and the following standards:

- A. The requirements of this Article shall be met.
- B. The requirements of the underlying zoning district and applicable general provisions of this ordinance must be met.
- C. All necessary development permits shall have been issued by appropriate local, state and federal authorities including a floodplain permit, approval or letter of no authority from the Michigan Department of Natural Resources under authority of Act 245 of the Public Acts of 1929 as amended by Act 167, Public Acts of 1968. 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.

#### **Section 404. General Standards for Flood Hazard Reduction**

- A. All new construction and substantial improvements within a flood hazard area zone, including the placement of prefabricated buildings and mobile homes, shall:
  - 1. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
  - 2. Be constructed with materials and utility equipment resistant to flood damage; and
  - 3. Be constructed by methods and practices that minimize flood damage.
- B. All new and replacement water supply systems shall minimize or eliminate infiltration of

flood waters into the water supply system.

- C. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flood conditions.
- D. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
- E. Adequate drainage shall be provided to reduce exposure to flood hazards.
- F. The Township Supervisor or authorized representative shall review development proposals to determine compliance with the standards in this section, and shall transmit the determination to the Zoning Administrator. Certification by a licensed sanitarian, registered architect or engineer may be required to determine compliance with this section.
- G. Land shall not be divided in a manner creating parcels or lots that cannot be used in conformance with the requirements of this Article.
- H. 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.
- I. 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.

**Section 405. Specific Base Flood Elevation Standards**

- A. On the basis of the most recent available base flood elevation data the following standards shall apply in the flood hazard area zone:
  - 1. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level.
  - 2. All new construction and substantial improvements of non-residential structures shall either:
    - a. Have the lowest floor, including basement, elevated to or above the base flood level; or

- b. Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this sub-paragraph are satisfied, and that the flood proofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall be submitted per the above section on Development Permit and indicate the elevation to which the structure is flood proofed.
- B. The most recent base flood elevation data received from the Federal Insurance Administration shall take precedence over data from other sources.

#### **Section 406. Mobile Home Standards**

Standards applying to mobile homes are for flood control in this section and in the previous section and are not intended to specify development standards or to otherwise overlap with the authority of the Michigan Mobile Home Commission. If the Mobile Home Commission or a staff representative demonstrates to the satisfaction of the Alabaster Township Zoning Administrator that these standards are met by existing state laws, these provisions may be waived by the Zoning Administrator. These controls do not apply to mobile home development outside of flood hazard area zones.

- A. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties in accord with the following specifications:
1. Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, except that mobile homes less than fifty feet (50') in length shall be required to have only one additional tie per side.
  2. Frame ties shall be provided at each of the four corners of the mobile home with five additional ties per side at intermediate points, except that on mobile homes less than fifty feet (50') in length shall be required to have four ties per side.
  3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
  4. All additions to a mobile home shall be similarly anchored.

- B. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Iosco County Civil Defense Director.

**Section 407. (Reserved)**

**Section 408. (Reserved)**

**Section 409. Disclaimer of Liability**

- A. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this article shall not be considered a guarantee or warranty of safety from flood damage.
- B. This ordinance does not imply that areas outside of the flood hazard area will be free from flood damage. This ordinance does not create liability on the part of Alabaster Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

**Section 410. Floodplain Management Administrative Duties**

With regard to the National Flood Insurance Program, and the regulation of development within the flood hazard area zone as prescribed in this Article, the duties of zoning administrator shall include, but are not limited to:

- A. Notification to adjacent communities and the Department of Natural Resources of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration; and
- B. Verification and recording of the actual elevation in relation to the mean sea level of the lowest floor, including the basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood proofed structures, the elevation to which the structure was flood proofed; and
- C. Recording of all certificates of flood proofing, and written notification to all applicants to whom variances are granted in a flood hazard area zone indicating the terms of the

variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk. A record of all variance modifications and variance actions shall be maintained together with the justification for each variance.

- D. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.
- E. It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering this ordinance in the absence of data from the Federal Insurance Administration.

#### **Section 411. Flood Hazard Area Application Information**

In addition to the information required with an application for a zoning compliance permit, special use permit, or any other type of development permission required under this ordinance, the following information shall be submitted as part of an application for permission to commence any type of development within a flood hazard area zone:

- A. The elevation in relation to mean sea level of the floor, including basement, of all structures;
- B. Where flood proofing will be employed, the elevation in relation to mean sea level to which the structure will be flood proofed;
- C. Where flood proofing will be employed, a certificate from a registered professional engineer or architect that the flood proofing criteria of this ordinance will be met;
- D. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- E. Proof of development permission from appropriate local, state and federal agencies as required by the above section on Development Permits, including a floodplain permit, approval, or a letter of no authority from the Michigan Department of Natural Resources under authority of Act 245, Public Acts of 1029, as amended by Act 167, Public Acts of 1968;
- F. Base flood elevation data where the proposed development is subject to Public Act 288 of 1967 or is greater than five acres in size; and
- G. Additional information that may be reasonably necessary to determine compliance with

the provisions of this ordinance.

**Section 412. Flood Hazard Area Zone Variances**

- A. Variances from the provisions of Article 4, section on Flood Hazard Areas, shall only be granted by the Zoning Board of Appeals upon a determination of compliance with the general standards for variances contained in this ordinance and each of the following specific standards:
  - 1. A variance shall be granted only upon:
    - a. A showing of good and sufficient cause;
    - b. A determination that failure to grant the variance would resort in exceptional hardship to the applicant; and
    - c. A determination that the granting of a variance will not result in a harmful increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
  - 2. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.
- B. The Alabaster Township Zoning Board of Appeals may attach conditions to the granting of a variance to insure compliance with the standards contained in this ordinance.
- C. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places, without regard to the requirements of this section governing variances in flood hazard areas.

**Section 413 Mapping Disputes**

- A. Where disputes arise as to the location of the flood hazard area boundary, the Zoning Board of Appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the Zoning Board of Appeals shall be based upon the most current floodplain studies issued by the Federal Insurance Administration. Where Federal Insurance Administration is not available, the best available floodplain information shall be utilized.
- B. Where a dispute involves an allegation that the boundary is incorrect as mapped and the Federal Insurance floodplain studies are being questioned, the Zoning Board of Appeals shall modify the boundary of the flood hazard area only upon receipt of an official letter



of map amendment issued by the Federal Insurance Administration.

- C. All parties to a map dispute may submit technical evidence to the Zoning Board of Appeals.
- D. Following is generalized copy of the flood plain map prepared by the Federal Emergency Management Agency (FEMA). This map is only for consultative and general interpretation purposes, as the official map is produced by FEMA and is kept by the Clerk of the Township of Alabaster.

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**Township of Alabaster**  
Iosco County, Michigan

**General Information Flood Hazard Map**

