

ORDINANCE #1046
FLOODPLAIN DISTRICT

VILLAGE OF ESTRAL BEACH

Section 1046-1. PURPOSE. It is the purpose of the Floodplain District to protect the natural, human and economic resources of the Village, and to promote the public health, safety and general welfare; by application of special regulations for the use of land which may be subject to periodic inundation, while permitting reasonable economic use and considering the physical limitations of such land, will help to protect the public health, public safety and general welfare, and will reduce the financial burdens imposed upon the community which may result from the improper use of land. All lands included in said district shall be subject to the terms imposed herein in addition to the terms imposed by any other zoning district in which said lands may be located.

Section 1046-2. DEFINITIONS.

- a. DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.
- b. FLOOD BOUNDARY AND FLOODWAY MAP. That map or maps prepared by the U. S. Department of Housing and Urban Development which indicate the location of the Floodway and Floodway Fringe areas within the Village; a copy of which is available for examination at the Office of the Village of Estral Beach.
- c. FLOOD INSURANCE RATE MAP. That map or maps prepared by the U.S. Department of Housing and Urban Development which classify the floodplain into various zones for purposes of determining flood insurance rates within the Village; a copy of which is available for examination at the Office of the Village of Estral Beach.
- d. FLOOD INSURANCE STUDY. A study prepared by the U.S. Department of Housing and Urban Development which examines, evaluated and determines flood hazards, and if appropriate, corresponding water surface elevations for the Village of Estral Beach.
- e. FLOODPROOFING. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their and their contents. See US Army Corp of Engineers publication #EP-1165-2-314, "Flood-Proofing Regulations".
- f. FLOODWAY. The channel of the watercourse and those portions of the adjoining floodplains which carry and discharge the intermediate regional flood, as determined by the U.S. Department of Housing and Urban Development, and as indicated on the Flood Boundary and Floodway Map.

- g. FLOODWAY FRINGE. That portion of the intermediate regional floodplain located outside of the Floodway which may generally be considered as the backwater area of the intermediate regional flood.
- h. GRADING. Any stripping, cutting, filling, stockpiling, or any combination thereof, and shall include the land in its cut or filled condition.
- i. GRADING PERMIT. A permit issued to authorize grading under Ordinance 1041.
- j. INTERMEDIATE REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in the area and is reasonable characteristic of what can be expected to occur in a particular stream. The intermediate regional flood generally has a one percent (1%) chance of being equaled or exceeded in any given year.
- k. INTERMEDIATE REGIONAL FLOODPLAIN. The area inundated by the intermediate regional flood. This is the floodplain area which shall be regulated by the standards and criteria of this ordinance, as indicated on the Flood Boundary and Floodway Map and as indicated in the Flood Insurance Study.
- l. OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, abutment, projection, excavation, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regional flood hazard area which may impede, retard or change the direction of the flow of water or that is placed where the flow of water might carry the same downstream to damage of life or property.
- m. SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value (for the purpose of this Ordinance, 50 percent of market value shall be equal to the amount of the State Equalized Valuation) of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first alterations of any structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include (1) any project for improvement of a structure to comply with existing State, County or Village health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alteration of a structure listed on the National Register of Historic Places or the State of Michigan Register of Historic Places.
- n. WATERCOURSE. Any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Section 1046-3. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes, and for promotion of the public health, safety, and welfare, and is based on 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 or premises under this Ordinance shall not be considered approval, guarantee, or warranty of safety or suitability. This Ordinance does not imply that areas outside the Floodplain Districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Village or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 1046-4. FLOODPLAIN DISTRICT AREAS. The Floodplain District shall be considered to overlay existing zoning districts and shall constitute additional terms over and above those imposed by the underlying zoning districts. The Floodplain District within the jurisdiction of this Ordinance is hereby divided into two areas; Floodway Areas and Floodway Fringe Areas. The location and boundaries of the Floodway and Floodway Fringe Areas shall coincide with those locations and boundaries for Floodways and Floodway Fringe Areas as shown on the Flood Boundary and Floodway Maps, and by the Flood Insurance Study, dated August, 1976, as published by the U. S. Department of Housing and Urban Development.

Section 1046-5. GENERAL PROVISIONS OF THE FLOODWAY AND FLOODWAY FRINGE AREAS OF THE FLOODPLAIN DISTRICT. The restrictions listed in the following section constitute those general provisions which shall govern development, construction, improvement, and relocation within the Floodway and Floodway Fringe Areas of the Floodplain District.

- a. All persons proposing development within the Floodway and Floodway Fringe Areas shall obtain approved permits from those federal government agencies having jurisdiction over floodplain development, plus the following State and County agencies: The Michigan Department of Natural Resources, the Monroe County Health Department and the Monroe County Drain Commission, and shall provide intermediate regional floodplain elevations with on-site reference marks and documentation set by a Registered Civil Engineer, Architect or Land Surveyor. No building permit or Certificate of Occupancy shall be issued until all such aforementioned permits have been obtained and have been reviewed by the Village of Estral Beach.
- b. Developers of new, substantially improved, or relocated structures within the Floodway and Floodway Fringe Areas shall submit to the Office of Building Official a written document indicating:
 - (1) The elevation of the lowest habitable floor in the structure, including basement.
 - (2) The elevation to which a structure has been floodproofed, if floodproofing methods have been employed.
 - (3) Whether or not the structure contains a basement.

Details of specifications proposed and as built drawings shall be kept on record and will be available for public inspection and for use in determining flood insurance risk premium rates.

- c. Base flood elevation data must be provided for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less.
- d. When floodproofing measures are employed, a registered engineer or architect shall certify that the methods used are watertight and adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and any other factors associated with the intermediate regional floodplain elevation.
- e. All new construction and substantial improvements made to existing structures, including mobile homes, shall be firmly anchored to prevent flotation and lateral movement, and shall be constructed with flood resistant materials and methods.
- f. If new and replaced utility, water and sanitary facilities must be located below elevation of the intermediate regional floodplain, they shall be constructed so as to be watertight, to resist hydrostatic and hydrodynamic loads and to be resistant to the effects of buoyancy. All measures to floodproof utility and sanitary facilities are subject to the approval of the Village Engineer.
- g. On site waste disposal systems, such as septic tanks and leach fields shall be located to avoid impairment by flood waters associated with the intermediate regional flood level, subject to the approval of the Monroe County Health Department and the Village Engineer.
- h. The application or discharge of persistent toxic compounds whose direct or indirect effects through residuals have a half-life greater than six months, onto or within those areas defined as Floodway or Floodway Fringe Areas is strictly forbidden.
- i. Service facilities, such as electrical and heating equipment, shall be constructed at or above the intermediate regional flood protection elevation for the particular area or floodproofed.
- j. Fill or other materials shall be protected against erosion by riprap, vegetative cover or bulkheading.
- k. Should any watercourse relocation or alteration be proposed, notification of said change in the watercourse shall be sent by the developer to all adjacent communities, to the State of Michigan Department of Natural Resources, and to the U. S. Department of Housing and Urban Development. With the altered or relocated portion of any watercourse the carrying capacity shall be maintained.
- l. In no case shall any permanent structure be erected adjacent to any open Village drainage reservoir without Village approval.

- m. All subdivision proposals and proposals for new development shall be designed and located to be consistent with the need to minimize flood damage. In addition, all subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

Section 1046-6. PERMITTED USES BY RIGHT IN THE FLOODWAY AREA OF THE FLOODPLAIN DISTRICT. The following uses having a low flood damage potential and present no, or minimal obstruction to flood flows shall be permitted within the Floodway District to the exterior that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. No use shall in any manner, affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system. Approval from the State of Michigan Department of Natural Resources shall be required for construction activity taking place in both the Floodway and Floodway Fringe Areas of the Floodplain District.

- a. Recreation Uses: Parks, playgrounds, playfields, bridle paths, nature trails, natural wildlife preserves, outdoor tennis courts, archery ranges, boat launching ramps, target ranges, trap and skeet ranges, game farms, fish hatcheries, and similar uses. Land owned by the developer of multiple housing or of a planned residential development in the Floodway Area of the Floodplain District may be used to provide the necessary open space required under the provision of Ordinance 1031.
- b. Golf Courses and Driving Ranges.
- c. Agricultural Uses: General farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, and wild crop farming.
- d. Non-Structural Uses incidental to single-family dwellings, such as lawns, gardens, and play areas.
- e. Unpaved Parking Areas incidental to those uses permitted in the subsections listed above.
- f. Uses not permitted: Permitted used in underlying zoning districts shall not be construed as being permitted uses in the Floodway Area of the Floodplain District unless those uses are indicated as being permitted in the subsections listed above and subject to all requirements of Ordinance 1031.

Section 1046-7. USES PERMITTED BY SPECIAL APPROVAL IN THE FLOODWAY AREA OF THE FLOODPLAIN DISTRICT. Provided such uses shall not in the opinion of the Village Planning Commission, and/or Village Council, be adverse to the purpose of this section or damaging to the public health, safety, or welfare, or impose a financial burden upon the community or shall in any manner affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system, the following uses may be permitted by issuance of a special approval in accordance with Ordinance 1041 and/or Ordinance 1031 and any other relevant requirements stipulated herein.

- a. Railroads, streets, bridges, utility transmission lines, and pipelines.
- b. Marinas, boat rentals, docks, piers, wharves.
- c. Structures for recreational uses, such as shelter houses, out buildings or wildlife sanctuaries.
- d. Parking areas.
- e. Other uses similar in nature to uses described in Section 1046-6 which are consistent with the provisions of this Article.

Section 1046-8. REQUIREMENTS FOR SPECIAL APPROVALS FOR USES IN THE FLOODWAY AREA OF THE FLOODPLAIN DISTRICT. In addition to the requirements of Ordinance 1031, 1041 and Section 1046-7 of this Ordinance, the applicant for a special approval in the Floodway Area of the Floodplain District shall submit the following:

- a. A letter of approval from the State of Michigan Department of Natural Resources.
- b. A location map, including existing topographic data at five (5) foot interval contours at a scale of one (1) inch representing 100 feet.
- c. A map showing proposed grading and drainage plans, including the location of all public drainage easements, the limits, extent, and elevations of the proposed fill, excavation and occupation.
- d. A statement from the Village Engineer concerning feasibility of the proposal and his approval.
- e. Any other information requested by the Village Planning Commission.

Section 1046-9. STANDARDS FOR SPECIAL APPROVALS WITHIN THE FLOODWAY. The Village Planning Commission and/or Village Council, shall review the particular circumstances and facts of each proposed use in terms of the following standards as well as those in Ordinance 1031 and 1041 and Section 1046-7.

- a. All new residential structures and residential structures requiring substantial improvement shall have the lowest floor (including basement) elevated to or above the level of the intermediate regional floodplain.
- b. Structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum construction to the flow of flood waters and, whenever possible shall be constructed with the longitudinal axis parallel to the direction of flood flow.

Section 1046.10. PERMITTED USES BY RIGHT IN THE FLOODWAY FRINGE AREA OF THE FLOODPLAIN DISTRICT. The following used having a low flood damage potential and presenting no, or minimal, obstruction to flood flows shall be permitted within the Floodway Fringe District to the extent that they are not prohibited by any other ordinance. Approval from the State of Michigan Department of Natural Resources is required prior to construction activity taking place in the Floodway Fringe

- a. Recreation Uses: Parks, playgrounds, playfields, bridle paths, nature trails, natural wildlife preserves, outdoor tennis courts, archery ranges, boat launching ramps, target ranges, trap and skeet ranges, game farms, fish hatcheries, and similar uses. Land owned by the developer of multiple housing or of a planned residential development in the Floodway Area of the Floodplain District may be used to provide the necessary open space required under the provisions of this Article, provided the open space requirements of the specific section of this Article is met.
- b. Golf Courses and Driving Ranges.
- c. Agricultural Uses: General farming, pasture, grazing, outdoor plant nurseries horticulture, viticulture, truck farming, and wild crop farming.
- d. Non-Structural Uses: incidental to single-family dwellings, such as lawns, gardens, play areas, and parking areas.
- e. Permitted uses in underlying zoning districts, provided that the petitioner submits to the Building Inspector drawings signed by a Registered Civil Engineer or Architect that indicate that the elevation of the lowest habitable floor of the structure will be higher than the elevation of the Floodway Fringe Area or that the structure will be floodproofed to at least the elevation of the Floodway Fringe Area.
- f. Accessory structures to permitted uses in underlying zoning district, provided that they are not utilized for human habitation; they are designed to have low flood damage potential; they are constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters; they are firmly anchored to prevent flotation; and service facilities shall be elevated or floodproofed; Where accessory structures have an assessed value equal to more than fifty (50) percent of the principal structure, as determined by the Township Assessor, they must also satisfy the minimum elevation or floodproofing requirements of the principal structure, as described in 1046.10 (e)

Section 1046-11. USES PERMITTED BY SPECIAL APPROVAL IN THE FLOODWAY FRINGE AREA OF THE FLOODPLAIN DISTRICT. Provided such uses shall not in the opinion of the zoning Board of Appeals be adverse to the purpose of this section or damaging to the public health, safety, or welfare, or impose a financial burden upon the community the following uses may be permitted by issuance of a special approval in accordance with other requirements stipulated herein.

- a. Railroads, streets, bridges, utility transmission lines, and pipelines.
- b. Marinas, boat rentals, docks, piers. wharves.
- c. Structures for recreational uses, such as shelter houses, out buildings or wildlife sanctuaries.
- d. Those uses which are permissible with a special approval in those zoning districts which underlie the Floodplain District.
- e. Dumping or backfilling within conditions prescribed in Ordinance 1041. In the case where Floodway Fringe Areas have no groundwater recharge or impoundment potential, filling may occur through compensating excavation and shaping of the Floodway Fringe in such a way as to maintain or improve the flow or natural impoundment capacity of the Floodway Fringe. In no case shall the the flow or impoundment capacity of the Floodway Fringe be reduced. Minor repair of erosion damage is permitted under conditions prescribed in Ordinance 1041.
- f. Other uses similar in nature to uses described in previous section which are consistent with the provisions of this Article.

Section 1046-12. REQUIREMENTS FOR SPECIAL APPROVAL FOR USES IN THE FLOODWAY FRINGE AREA OF THE FLOODPLAIN DISTRICT. In addition to the requirements of Ordinance 1031 and Ordinance 1041, the applicant for a special approval in the Floodplain District shall meet the following requirements.

- a. The applicant for a special approval shall be required to submit that information listed as necessary in Section 1046-8 a) through e)

Section 1046-13. STANDARDS FOR SPECIAL APPROVAL WITHIN THE FLOODWAY FRINGE The Village Planning Commission and/or Village Council shall review the particular circumstances and facts of each proposed use in terms of the following standards as well as those in Ordinance 1031 and Ordinance 1041.

- a. All new residential structures and residential structures requiring substantial improvement shall have the lowest floor (including basement) elevated to or above the level of the intermediate regional floodplain.
- b. All new non-residential structures and non-residential structures requiring substantial improvements shall have the lowest floor (including basement) elevated to one (1) foot above the level of the intermediate regional floodplain or shall be floodproofed to or above the level of the intermediate regional floodplain.

Section 1046-14. STANDARDS FOR VARIANCE BY THE ZONING BOARD OF APPEALS FROM THE STRICT INTERPRETATION OF THE REGULATIONS SET FORTH IN THIS ARTICLE.

- a. No variance shall be granted for the development of new structures the substantial improvement or relocation of old structures, or development of any kind within the Floodway Area when such development, construction, improvement, or relocation would cause any increase in flood levels associated with the intermediate regional flood.
- b. The following four criteria must be met in addition to those stipulated in Ordinance 1031.
 - (1) A sufficient cause for granting the variance must be shown.
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) 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 on or victimization of the public, or conflict with this Article.
 - (4) A determination that the variance is the minimum necessary to afford relief.
- c. Upon application for a variance for construction below the elevation of the intermediate regional flood, the Village shall notify the applicant for variance in writing that:
 - (1) Issuance of a variance to construct a structure below the elevation of the intermediate regional flood will result in increased premium rates for flood insurance commensurate with the increased risk resulting from the reduced lowest flood elevation and that,
 - (2) Such construction below the elevation of the intermediate regional flood increases risk to life and property.

Record of such notification shall be maintained along with records of all variance actions dealing with floodplain development.

Section 1046-15. CONFLICT BETWEEN THIS SECTION AND THE REMAINDER OF THIS ORDINANCE. In the event of conflict between those regulations stipulated in this Article and the remainder of this Ordinance those regulations found in this Article shall take precedent.

Section 1046-16. RELATIONSHIP OF THIS ARTICLE TO STATE AND FEDERAL LAW. Nothing in this Article shall be deemed to exempt a property owner from the requirements of any State or Federal statute or regulation applicable to the proposed activity; nor shall any permit or approval issued to an owner from a State or Federal agency be deemed to exempt the developer from the requirements of this Ordinance.

ORDINANCE 1046 - FLOODPLAIN DISTRICT
VILLAGE OF ESTRAL BEACH

John Powell

JOHN POWELL, PRESIDENT
VILLAGE OF ESTRAL BEACH

Beverly J. Knierim

BEVERLY J. KNIERIM, CLERK
VILLAGE OF ESTRAL BEACH

MOTION TO ADOPT: COMMISSIONER WIEGAND

SUPPORTED BY: COMMISSIONER KNIERIM

AYES: WIEGAND, KNIERIM, HATCHARD, GADZINSKI

NAYS: NONE

ABSENT: COMMISSIONERS GOSSETT AND CHAPMAN

Date of Adoption: July 20, 1982

Date of publication: July 30, 1982 (MONROE EVENING NEWS)

CERTIFICATION:

I, Beverly J. Knierim, duly elected Clerk of the Village of Estral Beach do attest that Ordinance No. 1046 was adopted at a Regular Meeting held on July 20, 1982 and published in the Monroe Evening News, the Village official newspaper, on July 30, 1982.

Beverly J. Knierim

BEVERLY J. KNIERIM, Clerk
VILLAGE OF ESTRAL BEACH

VILLAGE OF ESTRAL BEACH

ORDINANCE 1046A

FLOODPLAIN DISTRICT

AN ORDINANCE TO AMEND CERTAIN SECTION OR SECTIONS OF ORDINANCE 1046 OF THE VILLAGE OF ESTRAL BEACH, THE FLOODPLAIN DISTRICT ORDINANCE, AND TO ESTABLISH ADDITIONAL STANDARDS OF REQUIRMENTS FOR MOBILE HOMES.

THE VILLAGE OF ESTRAL BEACH HEREBY ORDAINS:

1. That all references to the Department of Housing and Urban Development and Federal Insurance Administration be changed to Federal Emergency Management Agency (FEMA).
2. That all references of the Flood Boundary-Flood way Maps be deleted from Ordinance 1046. The Village will only have a Flood Insurance Rate Map (FIRM).
3. Since the accessory structures mentioned in Section 1046-10f can be insured, these, as well as all new structures constructed in floodplain areas within the boundaries of the Village of Estral Beach, must:
 - a. be constructed of materials and utility equipment resistant to flood damage; and
 - b. be constructed by methods and practices that minimize flood damage.
 - c. Adequate drainage shall be provided to reduce exposure to flood hazards.
4. That Section 1046-13 (a) and (b), and the minimum requirements of the NFIP, Section 1046-9 (a) are hereby deleted.
5. That the word "habitable" be deleted from Section 1046-5 b(1).
6. That the date of the Flood Insurance Study referred to in Section 1046-4 be hereby changed to November 3, 1983.
7. That the following section regulating Mobile Home Standards be included:

ORDINANCE 1046A (Continued)

SECTION 1046-5.2 MOBILE HOME STANDARDS

- 1) 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:
 - a. 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 on mobile homes less than 50 feet in length one tie per side shall be required.
 - b. frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, except that on mobile homes less than 50 feet in length four ties per side shall be required.
 - c. all components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - d. all additions to a mobile home shall be similarly anchored.
- 2) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Monroe County Office of Civil Preparedness for mobile home parks and mobile home subdivisions.
- 3) Mobile homes within zones A1-30 on the Flood Insurance Rate Map shall be located in accord with the following standards:
 - a. all mobile homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
 - b. adequate surface drainage away from the structures and access for a mobile home hauler shall be provided.

ORDINANCE 1046A (Continued)

- c. in the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than 10 feet apart; and reinforcement shall be provided for piers more than six feet above ground level.

All other Sections, Subsections, Phrases, Requirements, and Regulations of Ordinance 1046 shall remain in full effect except those amended by this Ordinance 1046A. This ordinance shall have immediate effect upon publication thereof.

John Powell President
JOHN POWELL

Beverly J. Knierim Clerk
BEVERLY J. KNIERIM

MOTION TO ADOPT BY: Commissioner John Knierim

SUPPORTED BY: Commissioner John Wiegand

AYES: Knierim, Wiegand, Hatchard, Chapman,
Gadzinski

NAYS: None

ABSENT: Commissioner Carol Harper

DATE OF ADOPTION June 21, 1983

DATE OF FIRST READING June 8, 1983

DATE OF SECOND READING June 21, 1983

DATE OF PUBLICATION: June 30, 1983
(Monroe Evening News)

EFFECTIVE DATE: ON PUBLICATION

CERTIFICATION:

I, Beverly J. Knierim, duly elected Clerk of the Village of Estral Beach, do hereby certify that the foregoing Ordinance 1046A was adopted by the Commission of the village at a Regular Meeting held on June 21, 1983, as was published in the Monroe Evening News, a newspaper of general circulation, as required by Village Charter on June 30, 1983.

Beverly J. Knierim Clerk
BEVERLY J. KNKERIM

VILLAGE OF ESTRAL BEACH

ORDINANCE 1046B

FLOODPLAIN DISTRICT

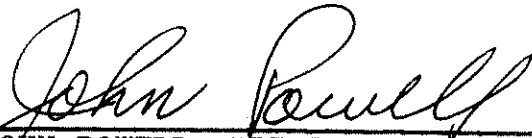
AN ORDINANCE TO AMEND ORDINANCE 1046A AN AMENDMENT TO ORDINANCE 1046 THE FLOODPLAIN DISTRICT ORDINANCE OF THE VILLAGE OF ESTRAL BEACH.

THE VILLAGE OF ESTRAL BEACH ORDINANS THAT THE FOLLOWING CHANGES SHALL BE MADE:

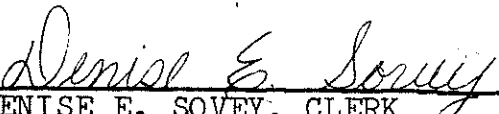
2. That all references of the Flood Boundary Floodway Maps be deleted from Ordinance 1046. The Village will only have a Flood Insurance Rate Map (FIRM), date November 2, 1983.

4. That Section 1046-9A is hereby deleted.

All other Sections, Subsections, Phrases, Requirments, and Regulations of Rdinance 1046 shall remain in full effect except those amended by this Ordinance 1046B. This Ordinance shall have immediate effect upon publication thereof.



JOHN POWELL, PRESIDENT
VILLAGE OF ESTRAL BEACH



DENISE E. SOVEY, CLERK
VILLAGE OF ESTRAL BEACH

MOTION TO ADOPT BY: JOHN WIEGAND

SUPPORTED BY: ZIGMUND GADZINSKI

AYES: WIEGAND, GADZINSKI, HARPER, HATCHARD, BORBELY

NAYS: NONE

ABSENT: DAVID HAMLET

DATE OF ADOPTION: SEPTEMBER 20, 1983

DATE OF FIRST READING: SEPTEMBER 6, 1983

DATE OF SECOND READING: SEPTEMBER 20, 1983

DATE OF PUBLICATION: (MONROE EVENING NEWS) SEPTEMBER 30, 1983

EFFECTIVE DATE: ON PUBLICATION.

CERTIFICATION:

I, Denise E. Sovey, duly elected Clerk of the Village of Estral Beach, do hereby certify that the foregoing Ordinance 1046B was adopted by the Commission of the Village at a Regular Meeting held on September 20,

ORDINANCE 1046B (Continued)

1983.

Denise E. Sovey
DENISE E. SOVEY, CLERK

ORDINANCE 1046B

FLOODPLAIN MANAGEMENT

AN ORDINANCE TO SUPERCEDE ORDINANCE 1046A ON FLOODPLAIN MANAGEMENT

ORDINANCE
OF
VILLAGE OF ESTRAL BEACH

- 1046B 1. a. PURPOSE, The Village of Estral Beach desires to participate in the National Flood Insurance Program and comply with all applicable statutory and regulatory requirements for the purposes of significantly reducing hazards to persons, property damage and public expenditures, and provide for the availability of flood insurance and federal funds or loans.
- b. This ordinance supercedes all previous ordinances on floodplain management within the Village of Estral Beach.
- 1046B 2. DEFINITIONS: For the purpose of this ordinance, the following definitions shall apply:
- a. "Base Flood" means the flood having a one-percent chance of being equalled or exceeded in any given year.
- b. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulations or runoff of surface waters from any source.
 - (3) The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
- c. "Flood Hazard Boundary Map" FHBM means an official map of a community, issued by the Federal Emergency Management Agency where the boundaries of the areas of special flood hazards have been designated as Zone A. (This definition to be included only if the Federal Emergency Management Agency has issued a FHBM for the community).
- d. "Flood Hazard Area" means land which on the basis of available floodplain information is subject to a one-percent or greater chance of flooding in any given year.

ORDINANCE 1046B
FLOODPLAIN MANAGEMENT

- e. "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. (This definition to be included only if the Federal Emergency Management Agency has issued a FIRM for the community).
- f. "Flood Insurance Study" is the official report provided by Fema. The report contains flood profiles, the water surface elevation of the base flood and may include a Flood Boundary - Floodway Map. (This definition to be included only if the Federal Emergency Management Agency has completed a Flood Insurance Study for the community).
- g. "Floodplain" means any land area susceptible to being inundated by water from any source (see definition of flood).
- h. "Floodway" means the channel of a river or other water-course and the adjacent land areas which must be reserved in order to discharge the base flood.
- i. "Structure" means, for floodplain management purposes, a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.
- j. "Substantial Improvement" means 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 structures. The term does not, however, include either (1) 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 (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

1046B.3. a. The building inspector shall obtain, review, and reasonably utilize flood elevation data available from federal, state or other sources pending receipt of data from the Federal Emergency Management Agency. The most recent flood elevation data received from the Federal Emergency Management Agency shall take precedence over data from other sources.

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b. The map(s) entitled (Flood Hazard Boundary Map or Flood Insurance Rate Map of the Village of Estral Beach, Monroe County, dated April 12, 1974) shall be the official map for determinations and regulation pursuant to this resolution. (This section to be included only when the Federal Emergency Management Agency has issued a Flood Insurance Rate Map or Flood Hazard Boundary Map).

1046B 4. The building inspector shall insure that all necessary permits have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 245, P.A. a929, as amended by Act 167, P.A. 1968.

1046B 5. The building inspector shall review all permit applications to determine whether the proposed building will be reasonably safe from flooding. Where it is determined that the building will be located in an area subject to flooding as identified in Section 3, the building inspector shall implement the appropriate portions of the 1986 Supplement to Section 1313.0 of the 1984 edition of the BOCA Basic/National Building Code entitled Flood Resistant Construction; or the appropriate portions of Section 2102.0 - Flood Resistant Construction of the 1987 edition of the BOCA Basic/National Building Code; or the appropriate flood resistant construction standards in succeeding editions of the BOCA Basic/National Building Code.

1046B 6. The building inspector shall maintain a record of new structures or substantial improvements erected in the flood hazard area indicating the actual elevation of the lowest structures member required to be elevated or as an alternative, in nonresidential structures, the elevation to which the structure has been floodproofed.

1046B 7. EXCEPTIONS:

a. Accessory structures garages, storage buildings shall be subject to all Floodplain Management structural requirements except elevation. The following conditions must be met for the accessory structure:

1. Used for parking and limited storage only.
2. Be constructed of unfinished and flood resistant materials.
3. Be constructed and placed on site so as to offer minimum resistance to flow of flood waters.
4. Be firmly anchored and have required openings.
5. Have all utilities either flood proofed or above base flood elevation.
6. Meet floodway encroachment requirements.

b. Skid mounted sheds less than or equal to 150 square feet area are exempt from all floodplain management requirements on elevation and structure.

John Wegman
(PRESIDENT)

Carol A. Kozlowski
(CLERK)

MOTION TO ADOPT BY, BONNIE OEHRING

SUPPORTED BY, BRUNO MONDRO

AYES: BONNIE OEHRING, BRUNO MONDRO, WILLIAM MEADE JR., FRANK GOSSETT, ARLENE MONDRO, TED CORNETT

NAYS: NONE

ABSENT: NONE

DATE OF ADOPTION: AUGUST 17, 1993

DATE OF FIRST READING AUGUST 3, 1993

DATE OF SECOND READING AUGUST 17, 1993

DATE OF PUBLICATION AUGUST 26, 1993

Certification:

I, Carol A. Kozlowski, duly elected clerk of the Village of Estral Beach, do hereby certify that ordinance 1046B was adopted by the Commission of the Village at a regular meeting on August 17, 1993, and was published in the Monore Evening News on August 26, 1993.

Carol A. Kozlowski
(CLERK)