

CHAPTER 1458

Flood Plain Management

1458.01	Purposes.	1458.06	Encroachments.
1458.02	Definitions.	1458.07	Manufactured homes.
1458.03	Areas of special flood hazard.	1458.08	Mechanical and utility equipment.
1458.04	Planning and Zoning Administrator as Administrative Official	1458.09	Variances.
1458.05	Regulatory floodway.	1458.99	Penalty.

CROSS REFERENCES

Power to regulate watercourses - see CHTR. Secs. 150, 151
 Flood control in home rule cities - see M.C.L.A. Secs. 117.4a, 117.4e
 Municipal bond issues - see M.C.L.A. Secs. 135.1 et seq.
 Drains and drainage; flood control projects - see M.C.L.A. Secs. 280.429, 280.431
 Floodplain easements - see M.C.L.A. Sec. 281.628
 Harbor and waterfront - see S.U. & P.S. Ch. 1062
 Ground-water protection and storm-water runoff control - see S.U. & P.S. Ch. 1068
 Subdivisions in flood plains - see P. & Z. 1246.05
 Zoning of water areas - see P. & Z. 1256.05

1458.01. PURPOSES.

The purposes of this chapter are to minimize losses due to floods, to control flood plains, to qualify for the National Flood Insurance Program and to meet all Federal requirements for flood plain management.

(Ord. 146. Passed 11-15-82; Ord. 218. Passed 4-6-87.)

1458.02. DEFINITIONS.

Words and terms not defined herein shall have meanings as defined by applicable Federal statutes, regulations and orders. As used in this chapter:

- (a) "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.
- (b) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, manufactured home development, excavating or drilling operations located within the area of special flood hazard.
- (c) "Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (d) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(Ord. 146. Passed 11-5-82; Ord. 218. Passed 4-6-87.)

1458.03. AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in an engineering report entitled the Flood Insurance Study for the City of Traverse City, dated June 15, 1982, including Flood Insurance Rate Maps and Flood Boundary Floodway Maps, are hereby adopted and declared to be a part of this chapter by reference. The Flood Insurance Study and Maps are on file at the office of the Administrative Official.
(Ord. 146. Passed 11-5-82; Ord. 218. Passed 4-6-87.)

1458.04. PLANNING AND ZONING ADMINISTRATOR AS ADMINISTRATIVE OFFICIAL.

The Planning and Zoning Administrator of the City is hereby appointed as the Administrative Official to review all development and subdivision proposals for compliance with this chapter, to be responsible for all reporting to appropriate Federal offices and to obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source as criteria for requiring new construction, substantial improvement or other development.

(Ord. 146. Passed 11-15-82; Ord. 218. Passed 4-6-87.)

1458.05. REGULATORY FLOODWAY.

A regulatory floodway is hereby adopted in the City, which regulatory floodway shall consist of the channel of any stream plus adjacent 100-year flood plain areas that must be kept free of encroachments in order that the 100-year flood may be carried without substantial increase in flood height.

(Ord. 146. Passed 11-15-82; Ord. 218. Passed 4-6-87.)

1458.06. ENCROACHMENTS.

All encroachments within the regulatory floodway, including fill, new construction, substantial improvements and other development, which encroachments would result in any increase in flood levels within the community during the occurrence of the flood base discharge are prohibited, except by variance.

(Ord. 146. Passed 11-15-82; Ord. 218. Passed 4-6-87.)

1458.07. MANUFACTURED HOMES.

All manufactured homes within the regulatory floodway are prohibited.

(Ord. 146. Passed 11-15-82; Ord. 218. Passed 4-6-87.)

1458.08. MECHANICAL AND UTILITY EQUIPMENT.

Service facilities and equipment, including, but not limited to, electrical, heating, ventilating, plumbing and air conditioning shall be designed and/or located to prevent water from entering or accumulating within components during conditions of flooding.

(Ord. 146. Passed 11-15-82; Ord. 218. Passed 4-6-87.)

1458.09. VARIANCES.

The Board of Zoning Appeals shall hear and decide requests for variances from the requirements of this chapter consistent with the standards and procedures of the rules and regulations of the National Flood Insurance Program, 44 CFR, Parts 59-60.

(Ord. 146. Passed 11-15-82; Ord. 218. Passed 4-6-87.)

1458.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)