

## ARTICLE XIV FP FLOODPLAIN DISTRICT

**Section 14.01 - Intent.** It is the intent of this Article to significantly reduce hazards to persons and damage to property as a result of flood conditions and to comply with the provisions of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of the program by the Federal Emergency Management Agency.

**Section 14.02 - Delineation of Flood Hazard (Overlay) Zoning District.**

- A. **Boundary Designated on Zoning Map.** The flood hazard zone shall overlay existing zoning districts delineated on the *Official Zoning Map* of the Village of Three Oaks, subject to verification by the Michigan Department Environmental Quality. The boundaries of the flood hazard zone shall coincide with the boundaries of the area shown on the Official Zoning Map.
- B. **Final Determination of Flood Hazard Boundary Line.** It shall be the responsibility of any property owner or any other person with a dispute as to the exact location of the flood hazard area zone boundary on a specific property to determine the exact location of the boundary through application for a determination of a flood hazard boundary with the Michigan Department of Environmental Quality.
- C. **Suspension of Village Action Until Final Determination Is Made.** The Village shall suspend and hold in abeyance the processing of any application for a zoning or building permit until a final determination is made by the Michigan Department of Environmental Quality and such documentation is filed with the Zoning Administrator.
- D. **Application of Other Laws and Requirements.** In addition to other requirements of this Ordinance, applicable to development in the underlying zoning district, compliance with the requirements of this Article shall be necessary for all developments occurring within the flood hazard area zone. Conflicts between the requirements of this Article and other requirements of this Ordinance or any other State or Federal law or regulation shall be resolved in favor of the most stringent requirements and the most stringent regulation shall apply.

**Section 14.03 - MEDQ Permit Required Prior to Issuance of Building Permit.** Development, including the erection of structures of any type within a flood hazard area shall not occur except upon issuance of a building permit in accordance with the requirements of this Ordinance and the Village Building Code and only upon presentation of a permit issued by the Michigan Department of Environmental Quality (MDEQ).

- A. **Applicable Standards.** All construction shall meet the following standards:
  - 1. The requirements of this Article;
  - 2. The requirements of the underlying zoning districts and applicable general and special provision of this Ordinance; and
  - 3. All applicable state and federal laws and regulations.
- B. **Certificate of Compliance.** Compliance with the standards of this Section shall be certified by a Michigan Licensed Professional Civil Engineer. A copy of said certification shall be furnished to the Zoning Administrator prior to the issuance of a building permit.
- C. **Construction Standards.** Any new construction and any alteration to existing building, structures and infrastructure connections servicing any building and structure shall conform to the following standards:
  - 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;
3. Be constructed by methods and practices that minimize flood damage;
4. New and replacement water and sewer systems shall minimize or eliminate infiltration of flood waters into the system and on-site waste disposal systems shall be located to avoid impairment to the system due to flooding;
5. The flood carrying capacity of any water course or floodway shall be maintained unless such construction is permitted by the Michigan Department of Environmental Quality subject to adequate volume compensation as required by the Michigan Department of Environmental Quality.
6. The first habitable floor (including basements) is no less than one (1) foot higher than the based flood elevation as determined by the Michigan Department of Environment Quality.

**Section 14.4 - Land Division Requirements.** Land shall not be divided in any manner by any means creating lot or parcel which cannot be used in conformance with the requirements of this Article.