

**ARTICLE 13**  
**"F-1" FLOODPLAIN OVERLAY DISTRICT**

**13.01 FLOOD HAZARD FINDINGS**

Periodic inundation of certain portions of the City of Evart produce flood hazards that result in loss of the life and property, health and safety dangers, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of this community. These flood losses are caused by the cumulative effect of obstruction in floodplains causing increased flood flow height and velocity and by the occupancy of flood-prone areas by uses vulnerable to floods or hazardous to other uses inadequately elevated or otherwise inadequately protected from flood damages.

**13.02 PURPOSE**

It is the purpose of this article to protect the general public and all land in the city subject to flood losses, as described in Section 13.01, by minimizing such losses through restricting or prohibiting uses that are dangerous to health, safety, and property in times of flood or that cause excessive increases in flood flow heights or velocities.

**13.03 SCOPE**

The Floodplain Overlay District shall apply to all land within the City of Evart shown as being within the 100-year floodplain on the Flood Insurance Rate Map (FIRM) of the National Flood Insurance Program and Federal Emergency Management Agency. The provisions and restrictions of this article shall apply in addition to the zoning district requirements of the zones in which the lands are located. Further, within the Floodplain Overlay District, this article shall take precedence over any conflicting city ordinances or regulations.

**13.04 USE STANDARDS**

Within the Floodplain Overlay District, except as otherwise required by applicable state or federal laws or regulations, no use of land, building, or structure shall be made; no building or structure shall be erected, converted, or substantially improved or placed; and no land shall be filled unless:

- A. The use in question is allowed in the applicable underlying zone district.

- B. The use complies with all applicable construction requirements.
- C. All necessary permits and approvals, as required by local, state, or federal laws and regulations, have been obtained for the use.
- D. The use is approved as a special land use pursuant to the procedures and requirements of Article 19.

### **13.05**

#### **PROHIBITED USES**

The following uses are prohibited in the Floodplain Overlay District:

- A. A building or structure intended to be a permanent residence.
- B. Landfills, dumps, or junkyards.
- C. The storage or processing of materials that, in time of flooding, becomes buoyant, flammable, explosive, or otherwise injurious to public health.
- D. On-site sewage disposal systems.
- E. A new mobile home park or any extension to any existing mobile home park and any new mobile home not in a mobile home park.
- F. Any encroachment, excavation, dumping, or backfilling that would cause any increase in the base flood level.
- G. Enlargement of a building or structure to more than 25 percent of its square footage as it existed at the time of enactment of this article.

### **13.06**

#### **ADDITIONAL REQUIREMENTS**

- A. Notwithstanding any provision of this section to the contrary, if a permit or approval from another local, state, or federal body or agency cannot be issued prior to the issuance of a zoning permit by the city, a letter from the other agency or body indicating that the permit or approval will be issued contingent solely upon proof of zoning compliance shall be acceptable.
- B. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.

- C. Land shall not be divided in a manner creating parcels or lots that cannot be used in conformance with the requirements of this article.
- D. No structure, fill, excavation, or storage shall be permitted that, acting alone or in combination with existing or future uses, significantly and unduly affects the capacity of the floodway and, thereby, increases the height of the floodwaters.
- E. Filling in the floodway may be permitted only after full compliance has been achieved, to the satisfaction of the planning commission, with the applicable provisions of Act No. 245 of the Michigan Public Acts of 1929, as amended, and all other applicable local, state, and federal laws and regulations. Any fill permitted shall be protected from erosion by riprap, vegetative cover, bulk heading, or other approved means.
- F. Prior to any alternation or relocation of a watercourse, notification shall be given to adjacent communities and the Michigan Department of Natural Resources, and evidence of such notification shall be submitted to the Federal Insurance Administration. Proper maintenance shall be provided within the altered or relocated watercourse so that the flood-carrying capacity is not diminished.
- G. Structures shall be constructed and arranged on the building site so as to offer the minimum obstruction to the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flood flow and shall be placed approximately on the same flood flow lines as those of adjoining structures.
- H. Any excavation, fill, extraction, grading, or scarping shall require the prior approval and consent of the Water Resources Commission of the Michigan Department of Natural Resources.

## **13.07**

### **LIABILITY**

The degree of flood protection required by this article is considered the minimum necessary and reasonable for regulatory purposes. Larger floods may occur at any time, and excessive floodwater heights may be experienced due to manmade and natural causes, such as ice jams and accumulated debris in bridge openings. No representation is made by this article that areas outside the Floodplain Overlay District or uses permitted within the district shall remain free from flooding or flood damage. Under no circumstances shall the City of Evart or any officer or employee of the

city be liable, to any degree, for any flooding or flood damage that might result from compliance with or reliance upon the provisions of this article or any decisions or administrative approvals lawfully granted under this article.