

09/08/2006

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 114-126, 114-129, 114-157, and 114-191, ARTICLE III, FLOODPLAIN USE AND REGULATION, CHAPTER 114, FLOODS, TO ADOPT THE NEW FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS TO ALLOW FOR CITY'S CONTINUED PARTICIPATION IN THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL FLOOD INSURANCE PROGRAM, AND REPEAL CONFLICTING ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Sections 114-126, 114-129, 114-157, and 114-191, Article III of Chapter 114 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 114-126. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Area of special flood hazard means the land in the floodplain within the city subject to a one-percent or greater chance of flooding in any given year.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year, also called a 100-year frequency flood.

Development means any humanmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Flood or flooding means ~~a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.~~

- a. 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 accumulation or runoff of surface waters from any source, (3) mudflows, and
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.

Flood boundary and floodway map means an official map of the city on which the office of federal insurance and hazard mitigation has delineated both the floodway and the floodway fringe.

Flood insurance rate map (FIRM) means an official map of the city on which the federal emergency management agency and federal insurance administration has delineated both the areas of special flood hazards and risk premium zones applicable to the city.

Flood insurance study (FIS) means the official report provided by the federal emergency management agency and federal insurance administration. The report contains flood profiles, as well as the flood hazard boundary/floodway map and the water surface elevation of the base flood.

Floodplain (regulated flood prone hazard area) means ~~land which on the basis of available floodplain information is subject to a one percent or greater change of flooding in any given year.~~ any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodway means the channel of a river or other watercourse and the adjacent land areas which, on the basis of available floodplain information, must be reserved in order to discharge the base flood.

Floodway fringe means the area between the floodway and the boundary of the floodplain.

Harmful increase means an unnaturally high stage on a river, stream or lake which causes or may cause damage to property, threat to life, personal injury, or damage to land or water resources.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this article.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. It includes park trailers, travel trailers, and other similar vehicles placed on a site for more than 180 consecutive days.

New construction means structures for which the start of construction commenced on or after September 16, 1981.

Structure means a walled and roofed building or a gas or liquid storage tank that is principally above ground.

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, (i) before the improvement or repair is started, or (ii) 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 structure. The term does not, however, include either, (i) 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 ensure safe living conditions or (ii) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Sec. 114-129. Delineation of floodplain overlay zone.

(a) ~~*Floodplain boundaries and regulated designation of flood prone hazard areas. The areas indicated as being within the limits of the 100 year flood in the report entitled "Flood Insurance Study, Charger Township of Avon, Oakland County, Michigan," dated March 16, 1981, with accompanying flood rate maps and flood boundary and floodway map, The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled Oakland County Michigan, and All Jurisdictions," and dated September 29, 2006, and the Flood Insurance Rate Maps (FIRMs) panel numbers 26125C0379F, 0383F, 0384F, 0387F, 0389F, 0391F, 0392F, 0393F, 0394F, 0403F, 0411F, 0412F, 0413F, 0414F, 0527F, 0531F, 0532F, 0551F, and 0552F, dated September 29, 2006, are adopted by reference to be part of this article, and the areas identified in the FIS and FIRMs that are within the municipal boundaries of the city shall*~~ be conclusively deemed to be regulated as floodplains by this article. In addition, the engineering department may determine other undesignated areas are located within floodplains, as defined and regulated by this article, based upon available maps, studies and other data prepared by the city or county, state or federal agencies or upon survey information and engineering data submitted to the city pursuant to subsection (d) of this section

(b) - (d) no change.

Sec. 114-157. Application.

- (a) Application for a floodplain use permit shall include the following:
 - (1) A site plan showing existing structures, topographical features, and all proposed changes. The site plan shall include existing and proposed ground elevations and contours (one-foot intervals) and a contour showing the base flood elevation;

- (2) The elevation in relation to the ~~National Geodetic Vertical Datum of 1929~~North American Vertical Datum of 1988 (NAVD88) of the lowest floor of all structures;
- (3) Where floodproofing will be employed, the elevation in relation to ~~mean sea level~~NAVD88 to which a structure will be floodproofed;
- (4) Where floodproofing will be employed, a certificate from a licensed professional engineer or architect that the floodproofing criteria of this article will be met;
- (5) Where it can be determined that development is proposed within the regulatory floodway, a certification as required by subsection 114-191(c);
- (6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- (7) Proof of development permission from appropriate local, state and federal agencies as required by subsection 114-156(1), including a floodplain permit approval, or a letter of no authority from the state department of natural resources under authority of part 31 of the natural resources and environmental protection act, Public Act No. 451 of 1994 (MCL 324.3101 et seq., ~~MSA 13A.3101 et seq.~~);
- (8) Base flood elevation data where the proposed development is subject to Public Act No. 288 of 1967 (MCL 560.101 et seq., ~~MSA 26.430(101) et seq.~~) or greater than five acres in size; and
- (9) Such other additional information, requested by the engineering department, building department, or the city council, which may be reasonably necessary to determine compliance with this article.

(b) The applicant may be required to submit engineering data prepared or certified by a licensed professional engineer.

Sec. 114-160. Elevations required.

The recipient of a floodplain use permit shall furnish the engineering department with a recording of the actual elevation in relation to ~~mean sea level~~ NAVD88 of the lowest floor, of all new or substantially improved structures constructed within the floodplain, and for floodproofed structures the elevation to which the structure was floodproofed. Such elevations shall be certified by a ~~registered~~licensed professional land surveyor or a licensed professional engineer licensed in the State of Michigan.

Sec. 114-191. Floodway protection standards.

(a) *Floodplain development.* New construction, alterations, additions, substantial improvements and all other development, including fill, shall be prohibited within the floodplain, except where it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with part 31 of the ~~n~~Natural ~~r~~Resources and ~~e~~Environmental ~~p~~Protection ~~a~~Act, Public Act No. 451 of 1994 (MCL 324.3101 et seq., ~~MSA 13A.3101 et seq.~~) and Appendix G of the Michigan Building Code, Public Act No. 230 of 1972 (MCL 125.1501 et seq.) shall be required, provided that the allowable increase shall not exceed one foot at any location in the area.

(b) - (c) no change.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, following its publication in the *Rochester Eccentric* on _____.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on Wednesday, _____.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I hereby certify that the foregoing ordinance was adopted by the City Council
of the City of Rochester Hills at a meeting thereof on Wednesday,

_____.

Jane Leslie, Clerk
City of Rochester Hills