

CHARTER TOWNSHIP OF BANGOR
ORDINANCE #406
AMENDING ORDINANCE #233
FLOOD DAMAGE PREVENTION

An amendment to Ordinance #233 to amend the Flood Damage Prevention Ordinance in order to comply with revised Federal Floodplain Management criteria.

THE CHARTER TOWNSHIP OF BANGOR, BAY COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION 1. ARTICLE 3, FLOOD HAZARD ZONES, Section 3.2 DELINEATION OF THE FLOOD HAZARD OVERLY ZONE, A. OVERLAY EXISITNG ZONING DISTRICTS of Ordinance #233 is hereby amended to read as follows:

- A. The flood hazard area zone shall overlay existing zoning districts delineated on the official Township of Bangor Zoning Map. The boundaries of the flood hazard area zone shall coincide with the boundaries of the area indicated as within the limits of the 100-year flood in the report entitled “Flood Insurance Study for Bay County, All Jurisdictions”, dated, July 31, 2024 with accompanying Flood Insurance Rate Maps listed on index panel 26017CIND0B, dated July 31, 2024. The study and accompanying maps are adopted by reference, appended, and declared to be a part of this Ordinance. The term flood hazard area as used in this Ordinance shall mean the flood hazard area zone and the term floodway shall mean the designated regulatory floodway.

SECTION 2. ARTICLE 3, FLOOD HAZARD ZONES Section 3.2 DELINEATION OF THE FLOOD HAZARD OVERLY ZONE, C. RESOLVING OF DISPUTES of Ordinance #233 is hereby amended to read as follows:

- C. If the existing ground (not fill) is above the 100-year floodplain, then the applicant may apply to FEMA for a Letter of Map Amendment (LOMA) to remove the floodplain designation.

SECTION 3. ARTICLE 4, DEVELOPMENT PERMITS, Section 4.1 DEVELOPMENT PERMITS Of Ordinance #233 is hereby amended to read as follows:

Development, including the erection of structures and placement of manufactured homes, filling or grading, within a flood hazard area, shall not occur except upon issuance of a permit in accord with the requirements of the current Township of Bangor Zoning Ordinance, as amended and the following standards:

- A. The requirements of this Ordinance shall be met;
- B. The requirements of the underlying zoning districts and applicable general provisions of the current Township of Bangor Zoning Ordinance, as amended, shall be met;
- C. All necessary development permits shall have been issued by appropriate local, state and federal authorities, including a floodplain permit, approval, or letter of not authority from the Michigan Department of Environmental Quality under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968, where a development permit cannot be issued prior to the issuance of a building permit, special permit, or special use permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

SECTION 4. ARTICLE 5, FLOOD HAZARD REDUCTION, Section 5.1 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION, A., Of Ordinance #233 is hereby amended to read as follows:

- A.. DESIGN AND CONSTRUCTION OF STRUCTURES. All new construction and substantial improvements within a flood hazard area, including the placement of prefabricated buildings and manufactured homes, shall:
 - 1. Shall have the lowest floor, including basement elevated at least 1 foot above the 100-year floodplain elevation.
 - 2. Be designed and anchored to prevent flotation, collapse, or lateral movement or the structure;
 - 3. Be constructed with materials and utility equipment resistant to flood damage; and
 - 4. Be considered by methods and practices that minimize flood damage.

SECTION 5. ARTICLE 5, FLOOD HAZARD REDUCTION, Section 5.1 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION, I., Of Ordinance #233 is here-

by amended to read as follows:

- 1. MAINTAINING OF FLOOD CARRYING CAPACITY. The flood carrying capacity of any altered or relocated watercourse shall be maintained.

SECTION 6. ARTICLE 6, BASE FLOOD ELEVATION STANDARDS, Section 6.1 SPECIFIC BASE FLOOD ELEVATION STANDARDS, B., Of Ordinance #233 is hereby amended to read as follows:

FEDERAL EMERGENCY MANAGEMENT AGENCY ON DATA. The effective base flood elevation date received from the Federal Emergency Management Agency shall take precedence over data from other sources.

SECTION 7. ARTICLE 7, MANUFACTURED HOMES, Section 7.1 MANUFACTURED HOME STANDARDS, A. RESISTANCE TO MOVEMENT, Of Ordinance #233 is hereby amended to read as follows:

All manufactured homes to be placed within Zone A on the Flood Insurance Rate Map shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Anchoring may include, but is not limited to, the use of over-the-top or frame ties to ground anchors in addition to any other State or local anchoring requirements for resisting wind forces. Unless otherwise certified by a registered professional engineer or architect, FEMA Manual No. 85 entitled “Manufactured Home Installation in Flood Hazard Areas”, published in September 1985, shall be the standard for anchoring techniques.

SECTION 8. ARTICLE 7, MANUFACTURED HOMES, Section 7.1 MANUFACTURED HOME STANDARDS, C. 1., Of Ordinance #233 is hereby amended to read as follows:

- 1. All manufactured homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be 1 foot above the base flood level.

SECTION 9. ARTICLE 9, APPEALS AND VARIANCES, Section 9.2 FLOOD DAMAGE PREVENTION VARIANCES, A. 1., Of Ordinance #233 is hereby amended to read as follows:

- 1. A variance shall not be granted within a regulatory floodway where the result would be any increase in flood levels during a base flood discharge.

SECTION 10. ARTICLE 12, MAP DISPUTES, Section 12.1 MAPPING DISPUTES, A., Of Ordinance #233 is hereby amended to read as follows:

- A. UTILIZATION OF BEST FLOOD PLAIN INFORMATION. Where disputes arise as to the location of the flood hazards area boundary or the limits of the floodway, the Zoning Board of Appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the Zoning Board of Appeals shall be based upon the currently effective FEMA Flood Insurance Rate Map. Where Federal Emergency Management Agency information is not available, the best available floodplain information shall be utilized.

SECTION 11. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 12. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

The above Ordinance was adopted at a meeting of the Township Board on the 11th day of June, 2024, and shall be published in the Pinconning Journal on or before the 19th day of June, 2024.

ROLL CALL VOTE

YEAS: Bublitz, Koch, LaPlant, Rowley, Taylor, Wardynski, Yaworski
NAYS: None
ABSENT: None

ORDINANCE DECLARED ADOPTED