

AMENDMENTS TO ZONING ORDINANCE
(Jan. 26, 1982)

Add Section 1.2-K

To prevent the Public and Private losses due to flood conditions in specific areas by restricting or prohibiting uses in areas that are vulnerable to flooding.

Add Section 2.2.57

Area of Shallow Flooding: A designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

Add Section 2.2.58

Area of Special Flood Hazard: The land in the flood plain within the Village of Concord subject to a one percent or greater chance of flooding in any given year.

Add Section 2.2.59

Base Flood: The flood having a one percent chance of being equalled or exceeded in any given year.

Add Section 2.2.60

Development: Any man-made 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.

Add Section 2.2.61

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Add Section 2.2.62

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas and special flood hazards and the risk premium zones applicable to the Village.

Add Section 2.2.63

Flood Insurance Study: The Official report provided in which the Federal Insurance Administration has provided Flood Profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Add Section 2.2.64

Floodways: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Add Section 2.2.65

Habitable Floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

Add Section 2.2.60

New Construction: Structures for which the start of construction commenced on or after the effective date of this ordinance.

Add Section 2.2.67

Start Construction: The first placement or permanent construction of a structure on a site, such as the pouring of slabs or footings of any work beyond the stage of excavation.

Add Section 2.2.68

Substantial Improvements: 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:

- (1) Before the improvement or repair is started, or
- (2) 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:

- (1) 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 assure safe living conditions, or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Add Section 2.2.69

Variance: A grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

Add Section 3.4

Official Flood Hazard Areas: The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Village of Concord", dated Sept. 1, 1981, with accompanying Flood Insurance Rate maps and Flood Boundary-Floodway Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file in the Office of the Village Clerk and available for examination.

Repeal Section 5.13 Flood Plains:

Add Section 5.13

General Standards for Flood Hazard Reduction: In all areas of special flood hazards the following standards are required:

5.13.1 Anchoring:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:
 - (a) Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;
 - (b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;
 - (c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
 - (d) Any additions to the mobile home be similarly anchored.

5.13.2 Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.13.3 Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.13.4 Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

Add 5.13.5 Specific Standards

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 3.4, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in Sec. 6.3.1, Use of Other Base Flood Data, the following standards are required:

5.13 A Residential Construction.

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

5.13.5 B Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or,

1. be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 6.4.1d (3).

5.13.5 C Mobile Homes.

1. Mobile homes shall be anchored in accordance with Section 5.13.1
2. For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:
 - (a) stands or lots are elevated on compacted fill or on pilings to that the lowest floor of the mobile home will be at or above the base flood level;
 - (b) adequate surface drainage and access for a hauler are provided; and,
 - (c) in the instance of elevation on pilings, that;
 - lots are large enough to permit steps,
 - piling foundations are placed in stable soil no more than ten feet apart, and
 - reinforcement is provided for pilings more than six feet above the ground level.
3. No mobile home shall be placed in a floodway, except in an existing mobile home park or an existing mobile home subdivision.

5.13.6 Floodways.

Located within areas of special flood hazard established in Section 3.4 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Section 5.13.6 (1) is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of Section 5.13 General Standards for Flood Hazard Reduction.
3. Prohibit the placement of any Mobile home except in an existing Mobile Home Park or existing Mobile Home Subdivision.

Add to Section 6.3

The Zoning Inspector shall review all development permits to determine if the proposed development is located in the flood-way. If located in the flood-wy, assure that the encroachment provisions of Section 5.13.6 (1) are met.

Section 6.3.1 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.4 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Inspector shall obtain, review, and reasonably utilize any base flood elevation, data available from a Federal, State or other source, in order to administer Sections 5.13.5 A SPECIFIC STANDARDS, Residential Construction, and 5.13.5 B SPECIFIC STANDARDS, nonresidential Construction.

6.3.2 Information To Be Obtained and Maintained.

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (Including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new substantially improved floodproofed structures:
 - (a) verify and record the actual elevation (in relation to RM 1 & RM 2 Sec. 3.4); and
 - (b) Maintain the floodproofing certifications required in Section 6.4.1 d (3)
3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

6.3.3 Alteration of Watercourses

1. Notify adjacent communities and the (State Coordinating agency) prior to any alteration or relocation of a water-course, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

6.3.4 Interpretation of FIRM Boundaries

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 7.5.7.

Add Section 6.4.1 d.

All permit requests for areas within the designated Flood Plain shall include:

1. Elevations in relation to RM 1 & RM 2 Per Section 3.4 of the lowest floor (including basement) of all structures;
2. Elevation in relation to RM 1 & RM 2 Per Section 3.4 to which any structure has been flood proofed;
3. Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 5.13
4. Description of ~~the extent to which any watercourse will be altered or relocated as a result of proposed development.~~

Add Section 7.2.1

Where the application under appeal is in the designated Flood Plain the appeals board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (a) the danger that materials may be swept onto other lands to the injury of others;
- (b) the danger to life and property due to flooding or erosion damage;
- (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) the importance of the services provided by the proposed facility to the community;
- (e) the necessity to the facility of a waterfront location, where applicable;
- (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) the compatibility of the proposed use with existing and anticipated development;
- (h) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
- (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and watersystems, and streets and bridges.

7.2.2. Upon consideration of the factors of Section 7.2.1 and the purposed of this ordinance, the (appeal board) may attach such conditions to the granting of variances as it deems necessary to further the purposed of this ordinance.

7.2.3. The Zoning Inspector shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

Add 7.3 H Conditions for Variance in Flood Plain

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-b) in Section 7.2.1 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

3. Variances shall not be issued within any designated flood-way if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

- (a) a showing of good and sufficient cause;
- (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 7.2.1, or conflict with existing local laws or ordinances.

6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Amendments to 4.2.2 and 4.2.3 (9-14-82)

Conditional Uses: Hospitals, Convalescent or Nursing Homes.

Feb. 23, 1982 - INDUSTRIAL DEVELOPMENT DISTRICT:

Beginning at the Northeast corner of Section 33, T3S, R3W, Concord Township, Jackson County, Michigan at the intersection of the North line of Allman Rd. and the centerline of Homer Rd.; thence West along the North line of Allman Rd. and the present Village limits 1320 ft. more or less to the East 1/8 line of said Section 33; thence South along the East 1/8 line of Section 33, 1220 ft. more or less to the centerline of Homer Rd.; thence N. 49° 20' E. along the centerline of Homer Rd. 1800 ft. more or less to the place of beginning.