

CHAPTER 13

FH FLOOD HAZARD AREA (OVERLAY)

SECTION 13.1 PURPOSE

- A. It is the intent of this Chapter to significantly reduce hazards to persons and damage to property as a result of flood conditions and to comply with the provisions and requirements 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 this program by the Federal Emergency Management Agency, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976, and redesignated as 44 FR 31177, May 31, 1979.
- B. The objectives of this Chapter include:
1. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
 2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood-damaged public facilities and utilities, and the redevelopment of flood-damaged homes, neighborhoods and commercial and industrial areas;
 3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
 4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
 5. Ensuring that the public has access to information indicating the location of land areas subject to periodic flooding; and
 6. Preserving the ability of floodplains to carry and discharge a base flood.
- C. The Flood Hazard Area shall overlay existing zoning districts delineated on the official zoning map. The boundaries of the Flood Hazard Area shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood in the report entitled "The City of Otsego Flood Insurance Study, as may be updated, with accompanying flood insurance rate maps.
- D. In addition to other requirements of this Chapter applicable to development in the underlying zoning districts, compliance with this Chapter is necessary for all development occurring within the Flood Hazard Area. Conflicts between the requirements of this Chapter and other requirements of this Chapter or any other ordinance shall be resolved in favor of this Chapter, except where the conflicting requirement is more stringent and would further the Objectives of this Chapter to a greater extent than another requirement. In this case, the more stringent requirement shall be applied.

SECTION 13.2 PRINCIPAL PERMITTED USES

In the FH District, no uses shall be permitted unless otherwise provided in this Ordinance. The following open space uses shall be permitted within the flood hazard area provided they do not require structures, fill, or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels to the main stream.

- A. Agriculture and agriculturally related uses such as outdoor plant nurseries, horticulture, viticulture, truck farming, and sod farming.
- B. Private and public recreational uses such as tennis courts, picnic grounds, parks, and hiking or biking trails.
- C. Residential uses such as lawns, gardens, parking areas, and play areas.

SECTION 13.3 SPECIAL LAND USES

Land and/or buildings in the FH District may be used for the following subject to approval by the City Commission as a Special Land Use in accordance with the procedures of Chapter 15.

- A. Fill or materials proposed to be deposited in the floodway provided that:
 - 1. The fill or materials must be shown to have some beneficial purpose;
 - 2. The amount of fill or materials is not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner;
 - 3. The fill or materials shall be protected against erosion by riprap, vegetative cover, or bulkheading.
- B. Structures, subject to the provisions of Section 13.4, E.

SECTION 13.4 DISTRICT REGULATIONS

- A. Site Plan Review is required in accordance with Chapter 14.
- B. Parking is required in accordance with Chapter 16.
- C. Signs are permitted in accordance with the requirements of Chapter 18.
- D. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the requirements of the underlying Zoning District, as well as the provisions of this Chapter, are met and maintained in connection with such building, structure, use, or enlargement.
- E. Minimum standards for construction in the flood hazard area.
 - 1. In order to insure a limited flood loss to the city and its residents along and within the limits of the designated flood hazard areas, the City of Otsego proposes to enact minimum floodproofing standards. Therefore, the following shall also apply to construction located within the flood hazard area:

- a. New or replaced water supply shall be so designed as to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwater;
 - b. On-site waste disposal systems shall be located so as to avoid impairment of or contamination from the systems during flooding;
 - c. All structures shall have the lowest habitable floor elevated to at least one foot above the 100-year flood elevation, or together with attendant utility and sanitary facilities, shall be floodproofed to at least one (1) foot above the 100-year flood elevation;
 - d. New construction must be anchored to prevent floatation, collapse, or lateral movement due to floodwater-related forces;
 - e. Construction methods and practices used shall minimize flood damage;
 - f. Construction materials and utility equipment used shall be resistant to flood damage; and
 - g. Development proposals shall be designed so that potential flood damage is minimized; that adequate drainage is provided to reduce exposure to flood hazards; and that public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage.
2. In the flood hazard area, the City Manager shall authorize any building permit in the flood hazard area without conformance to the requirements set forth in Section 13.4, E, 1. Applications for the permit shall include the following, in addition to the normal requirements for a permit:
- a. A statement by a registered professional engineer or licensed land surveyor that the floodproofing measures undertaken are consistent with the flood protection elevation and associated flood factors for the particular area;
 - b. A statement from a registered professional engineer or licensed surveyor that the area in which construction is proposed is not subject to flood hazards as shown in the district boundary maps. Such a statement shall cite hydrologic, soil, elevation, historical and other technical data sufficient to support such a claim of exemption from the standards as set forth in this subsection; and
 - c. A legal description of the property, a sketch map showing the property and all properties within a radius of fifty (50) feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed construction and other drawings or information necessary to an understanding of the proposed building and its relationship to surrounding properties.
- F. Where there are disputes as to the location of a Flood Hazard Area boundary, the Zoning Board of Appeals shall resolve the dispute in accordance with Section 4.3.

G. Disclaimer of Liability

1. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this Chapter shall not be considered a guarantee or warranty of safety from flood damage.
2. This Chapter does not imply that areas outside the flood hazard area will be free from flood damage. This Chapter does not create liability on the part of the City or any officer or employee thereof for any flood damage that results from reliance on this Chapter or any administrative decision lawfully made thereunder.