

**Article 3: FS Floodplain District**

**Amendments:**

**ARTICLE III**

**FS FLOODPLAIN DISTRICT**

**PURPOSE**

The Floodplain District is designed to assure the flood and stormwater carrying capacity of the Township’s water courses; to protect and preserve property values and open and public lands; to protect residents; to avoid damage, infringement and nuisance to property; and to avoid needless public and private expense inevitably resulting from inappropriate development. Floodplain and floodway designations are based on the Federal Insurance Management Agency’s (FEMA) study of the Charter Township of Plymouth and further study by the Charter Township of Plymouth Engineer. These designations are based on the best available information regarding areas of flood hazard within the Township.

**SEC. 3.1 DEFINITIONS**

As used in this Article:

1. “Base Flood” means the 100 year flood or a flood having a one (1) percent or greater chance of being equaled or exceeded in any given year.
2. “Development” means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, dredging, filling, grading, paving, mobile home placement, or excavation, located within the Floodplain.
3. “Floodplain” means that area designated as floodplain on the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program map, as amended, which describes an area of land including and adjacent to a watercourse where excess water flows when the capacity of the normal channel is exceeded. The floodplain line is based on the base flood elevation.
4. “Floodway” means that area designated as floodway on the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program map, as amended which is the channel of the river and/or lands immediately adjacent thereto which serves to actively convey flood water downstream.

**SEC. 3.2 DISTRICT DESIGNATION**

1. In addition to the zoning districts enumerated in Section 2.1 and delineated by Section 2.2 of Article 2, there is established the Floodplain District which is designed to overlay other zoning districts and the floodplain is delineated on the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program Map, as amended, which is adopted by reference and declared to be part of this Ordinance. The FEMA map is on file and may

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<b>PURPOSE</b>	
<b>SEC. 3.1</b>	<b>DEFINITIONS</b>
<b>SEC. 3.2</b>	<b>DISTRICT DESIGNATION</b>

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be examined at the Department of Building and Code Enforcement and the office of the Township Clerk.

2. Notwithstanding any other provisions of this Ordinance, no development shall take place in the designated Floodplain District except in accordance with the regulations contained in this Article. The regulations in this Article shall be in addition to regulations otherwise pertaining to such development and the regulations regarding permitted uses, conditional uses, accessory uses and all other requirements of this Ordinance shall fully apply to the land and development within the Floodplain District.

**SEC 3.3 FLOODPLAIN/FLOODWAY REGULATIONS**

1. All development shall be prohibited within the designated floodways, except for one or more of the following uses which shall not include the building of structures or earth changes altering the natural water carrying capacity of the floodway: Agricultural crops, horticulture, open recreation areas, golf courses, bridle or nature paths, or the common area of a development. An area within a floodway may be used to supply open space or lot area requirements of a lot or other development located partially beyond the floodway line. Construction of drainage structures or stormwater facilities maintaining the natural water carrying capacity of the floodway shall be permitted in accordance with provisions of this Article.
2. To the maximum extent practicable, all development shall be prohibited within the designated floodplains, except the uses and exceptions listed and subject to the requirements in 3.3.1 above. The following steps shall apply to administrative determinations of compliance with this subsection 3.3.2:
  - (a) If proposed development can reasonably proceed in accordance with all other applicable requirements of this Ordinance and not involve development in the floodplain, a proposal shall be required not to include development in the floodplain. This requirement is applicable, for example, where placing a proposed structure in a different location on the site than originally proposed is possible within otherwise applicable requirements such as setbacks. In that instance and in similar instances where a change in the development plan is possible within other restrictions that would not involve development in the floodplain, no development in the floodplain will be permitted.
  - (b) If the conditions of 3.3.2(a) above do not reasonably pertain to the proposal and if reasonable variance of this Ordinance or the development of a Residential Unit Developments or Single Family Cluster Housing in accordance with Articles 21 and 22 is possible which would allow the proposed development with changes avoiding development within the floodplain, the applicant shall be directed to undertake such procedures pursuant to this Ordinance. A report of the Chief Building Official and/or Township Engineer shall accompany such applications indicating the determinations made regarding the application. All conditions for a variance or

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allowance of a Residential Unit Developments or Single Family Cluster Housing otherwise pertaining must be met as they would for any other proposal before a permit may be issued in accordance with the provisions of this Ordinance.

- (c) Only if 3.3.2(a) and 3.3.2(b) procedures above are not applicable or a denial pursuant to 3.3.2(b) has been issued, and the applicant has demonstrated compliance with all applicable federal, state and local floodplain requirements, shall a permit be issued for development in a floodplain. Compliance with federal and state requirements may be evidenced by grant of a consolidated state permit or letter from the Michigan Department of Environmental Quality indicating compliance of the proposal with state and federal requirements.
- (d) Initial consultation in the administration of this subsection 3.3.2 shall involve the applicant or agent and the Chief Building Official with the assistance of the Township Engineer, if determined necessary. Appeal of determinations of the Chief Building Official shall be to the Planning Commission pursuant to procedures for site plan review in Article 29 of this Ordinance.

**SEC. 3.4 APPLICATION AND APPROVAL**

Application for review of proposed development in the Floodplain District and the applicable appeal procedures shall be in accordance with provisions in Article 29 for site plan review and approval except that:

- 1. The application shall include, in addition to the information required by Article 29 of this Ordinance or by Article 3 of the Plymouth Township Subdivision Control Ordinance, Ordinance 32, if applicable, the following information:
  - (a) The location of the floodplain, floodway and wetlands, if any, on the site.
  - (b) The location of neighboring water detention areas or facilities, culverts, storm sewers, open or enclosed drains, swales or other natural or built areas or facilities designed for stormwater management.
  - (c) The siting of all structures and proposed development in relation to floodplains, floodways or wetlands, if any.