

Ordinance No. 10

FLOOD PLAIN CONTROL TOWNSHIP OF COVERT, MICHIGAN Effective January 16, 1978

Title

An Ordinance enacted under Act 288, Public Acts of 1967, the Subdivision Control Act; Act 245, Public Acts of 1929 as amended by Act 167, Public Acts of 1968, the Flood Plain Control Amendment; and Act 245, Public Acts of 1970, the Shorelands Protection and Management Act, governing the unincorporated portions of the Township of Covert, Van Buren County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade industry, residence and for public and semipublic or other specified uses with regard to flood plain control, in conjunction with the Township of Covert Zoning Ordinance. (ord. No. 10 eff. Jan. 16, 1978)

PREAMBLE

It is the purpose of the Flood Plain control ordinance to protect the natural, human, and economic resources of the Township, and to promote the public health, safety and general welfare; by application of special regulations for the use of land which may be subject to periodic inundation at predictable intervals which may be subject to soil erosion, or which may be particularly suited to provide for the impoundment of waters for the purpose of storm water control or groundwater recharge. Said regulations, while permitting reasonable economic use and considering the physical limitations of such land, will help to protect the public health, public safety and general welfare, and will reduce the financial burdens imposed upon the community which may result from the improper use of land. All lands included in said district shall be subject to the terms imposed herein in addition to the terms imposed by any other district in which said lands may be located. (ord. No. 10 eff. Jan. 16, 1978)

ENACTING CLAUSE

THE TOWNSHIP OF COVERT ORDAINS:

Sec. 1. SHORT TITLE.

This ordinance shall be known and may be cited as the "Covert Township Flood Plain Control Ordinance," being the Township of Covert Ordinance No. 10. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 2. DEFINITIONS.

- A. **BULKHEADING:** The protection of fill material from erosion through the use of a retaining wall.
- B. **CUT:** Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface.
- C. **DEBRIS BASIN:** A barrier or dam built across a waterway or other suitable locations to retain rock, sand, gravel, or silt or other materials.

Ordinance No. 10

- D. **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 operation.
- E. **EROSION:** The wearing away of the land surface by the action of wind, water or gravity.
- F. **FLOOD BOUNDARY AND FLOODWAY MAP:** That map or maps prepared by the U.S. Department of Housing and Urban Development which indicates the location of the floodway and floodway fringe areas within the Township, a copy of which is available for examination at the Office of Development Control of the Township of Covert.
- G. **FLOOD INSURANCE RATE MAP:** The map or maps prepared by the U.S. Department of Housing and Urban Development which classifies the floodplain into various zones for purposes of determining flood insurance rates within the Township, a copy of which is available for examination at the Office of Development Control of the Township of Covert.
- H. **FLOOD INSURANCE STUDY:** A study prepared by the U.S. Department of Housing and Urban Development which examines, evaluates, and determines flood hazards, and if appropriate, corresponding water surface elevations for the Township of Covert.
- I. **FLOODPROOFING:** Any combination of structural and nonstructural addition, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improve real property, water and sanitary facilities, structures and their contents.
- J. **FLOODWAY:** The channel of the watercourse and those portions of the adjoining flood plains which carry and discharge the intermediate regional flood, as determined by the U.S. Department of Housing and Urban Development, and as indicated on the Flood Boundary and Floodway Map.
- K. **FLOODWAY FRINGE:** That portion of the intermediate regional flood plain located outside of the floodway which may generally be considered as the backwater area of the intermediate regional flood.
- L. **GRADING:** Any stripping, cutting, filling, stockpiling, or any combination thereof, and shall include the land in its cut or filled conditions.
- M. **GRADING PERMIT:** A permit issued to authorize grading under the Covert Township Building Code.
- N. **INTERMEDIATE REGIONAL FLOOD:** A flood which is representative of large floods known to have occurred generally in the area and is reasonable characteristic of what can be expected to occur in a particular stream. The intermediate regional flood generally has a one percent (1%) chance of being equaled or exceeded in any given year.
- O. **INTERMEDIATE REGIONAL FLOODPLAIN:** The area inundated by the intermediate regional flood. This is the flood plain area which shall be regulated by the standards and criteria of this ordinance, as indicated on the Flood Boundary, and Floodway Map and as indicated in the Flood Insurance Study.

Ordinance No. 10

- P. **MULCHING:** The application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.
- Q. **OBSTRUCTIONS:** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, water course, or regional flood hazard area which may impede, retard or change the direction of the flow of water or that is placed where the flow of water might carry the same downstream to damage of life or property.
- R. **SEDIMENTS:** Solid material, or both mineral and organic that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.
- S. **SEDIMENT POOL:** The reservoir space allotted to the accumulation of submerged sediment during the life of the debris basin.
- T. **SOIL:** All unconsolidated mineral and organic material of whatever origin that overlies bedrock which can be readily excavated.
- U. **SUBSTANTIAL IMPROVEMENT:** 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, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For purposes of this definition “**substantial improvement**” is considered to occur when the first alterations of any structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include (1) any project for improvement of a structure to comply with existing state or Township health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alterations of a structure listed on the National Register of Historic Places or the State of Michigan Register of Historic Places.
- V. **TEMPORARY PROTECTION:** Stabilizing of erosive or sediment producing areas.
- W. **VEGETATIVE PROTECTION:** Stabilizing of erosive or sediment producing areas by covering the soil with:
1. Permanent seeding, producing long term vegetative cover,
 2. Short-term seeding, producing temporary vegetative cover, or
 3. Sodding, producing areas covered with a turf of perennial sod-forming grass.
- X. **WATERCOURSE:** Any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, raving or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area adjacent thereto subject to inundation by reason of overflow or flood water. (ord. No. 10 eff. Jan. 16, 1978)

Ordinance No. 10

Sec. 3. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes, and for promotion of the public health, safety, and welfare, and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land or premises under this Chapter shall not be considered approval, guarantee, or warranty of safety or suitability. This ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Township of Covert or any officer or employee thereof for any flood damage that result from reliance on this ordinance or any administrative decisions lawfully made thereunder. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 4. CONSERVANCY DISTRICT AREAS.

The Conservancy District shall be considered to overlap existing zoning districts and shall constitute additional terms over and above those imposed by the underlying zoning districts. The conservancy District within the jurisdiction of this ordinance is hereby divided into three areas: Ground water recharge areas, floodway areas, and floodway fringe areas. The location and boundaries of ground water recharge areas shall be determined on a case by cases basis by the Township Engineer, or any other professional retained by the Township who is competent in the field of water resources or hydrology. The location and boundaries of the floodway and floodway fringe areas shall coincide with those locations and boundaries for floodways and floodway fringe areas as shown on the Flood Boundary and Floodway Maps (01F to 02F Feb. 2, 1977), and by the Flood Insurance Study, as published by the U.S. Department of Housing and Urban Development. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 5. FLOODWAY AND FRINGE AREAS; CONSERVANCY DISTRICT.

The restrictions listed in the following section constitute those general provisions which shall govern development, construction, improvement, and relocation within the floodway and floodway fringe areas of the Conservancy District.

- A. All persons proposing development within the floodway and floodway fringe areas shall obtain approved permits from those government agencies having jurisdiction over floodplain development. No building permit or occupancy permit shall be issued until all such aforementioned permits have been obtained and have been reviewed by the Township Board of the Township of Covert.
- B. Developers of new, substantially improved, or relocated structures within the floodway and floodway fringe areas shall submit to the Township Board a written document indicating:
 - 1. The elevation of the lowest habitable floor in the structure, including basement.
 - 2. The elevation to which a structure has been floodproofed, if floodproofing methods have been employed.

Details of specifications proposed and as built drawings shall be kept on record and will be available for public inspection and for use in determining flood insurance risk premium rates.

Ordinance No. 10

- C. Persons wishing to develop in areas designated as “A” zones on the Flood Insurance Rate Map (that “A” having no number affixed to the designation) shall obtain intermediate regional flood plain elevations from federal, state, and other sources. Such elevations shall be subject to review by the Township.
- D. When floodproofing measures are employed, a registered engineer or architect shall certify that the methods used are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and any other factors associated with the intermediate regional flood plain elevation.
- E. All new construction and substantial improvements made to existing structures, including mobile homes, shall be firmly anchored to prevent flotation and lateral movement, and shall be constructed with flood resistant materials and methods.
- F. If new and replaced utility and sanitary facilities must be located before elevation of the intermediate regional flood plain they shall be constructed so as to be watertight, to resist hydrostatic and hydrodynamic loads and to be resistant to the affects of buoyancy. All measures to flood proof utility and sanitary facilities are subject to the approval of the Township Engineer.
- G. On site waste disposal systems such as septic tanks and leach fields shall be located to avoid impairment by flood waters associated with the intermediate regional flood level.
- H. The application or discharge of the persistant toxic compounds whose direct or indirect effects through residuals have a half-life greater than six months, onto or within those areas defined as floodway or floodway fringe areas is strictly forbidden.
- I. Service facilities such as electrical and heating equipment shall be constructed at or above the intermediate regional flood protection elevation for the particular area or floodproofed.
- J. Fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulkheading.
- K. Should any watercourse relocation or alteration be proposed, notification of said change in the watercourse shall be sent by the developer to all adjacent communities, to the State of Michigan Department of Natural Resources, the U.S. Department of Housing and Urban Development. With the altered or relocated portion of any watercourse the carrying capacity shall be maintained.
- L. In no case shall any permanent structure be erected closer than fifty (50) feet to the bank of the Red Cedar River or to the center of any open county drain. The bank of the Red Cedar River shall be determined by legal survey or from official maps maintained by the Township. The center of public drainage ways shall be determined from legal descriptions which are of public record.
- M. All subdivisions proposals and proposals for new development shall be designed and located to be consistent with the need to minimize flood damage. In addition, all subdivision proposals shall have public utilities and facilities such as sewer, gas,

Ordinance No. 10

electrical, and water systems located and constructed to minimize flood damage. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 6. FLOODWAY; PERMITTED USES.

The following uses having a low flood damage potential and present no, or minimal obstruction to flood flows shall be permitted within the floodway district to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of material or equipment. No use shall in any manner, affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system. Approval from the State of Michigan Department of Natural Resources is needed for construction activity taking place in the floodway and floodway fringe areas of the Conservancy District. All permitted uses are subject to the controls of the Covert Township Zoning Ordinance.

- A. **RECREATION USES:** Parks, playgrounds, playfields, bridle paths, nature trails, natural wildlife preserves, outdoor tennis courts, archery ranges, boat launching ramps, target ranges, trap and skeet ranges, game farms, fish hatcheries, and similar uses. Land owned by the developer of multiple housing or of a planned unit development in the floodway area of the Conservancy District may be used to provide the necessary open space required under the provisions of this Title.
- B. **GOLF COURSES AND DRIVING RANGES:** In accordance with the requirements of the Covert Township Zoning Ordinance.
- C. **AGRICULTURAL USES:** General farming, pasture, grazing, outdoor plant nurseries, horticulture, vitaculture, truck farming, and wild crop farming.
- D. **USES INCIDENTAL TO SINGLE FAMILY DWELLINGS:** Lawns, gardens, and play areas.
- E. **PARKING AREAS:** Provided said parking areas are unpaved and are incidental to those uses permitted in the subsections listed above.
- F. **USES NOT PERMITTED:** Permitted uses in underlying zoning districts shall not be construed as being permitted uses in the floodway area of the Conservancy District unless those uses are indicated as being permitted in the subsections listed above. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 7. FLOODWAY; SPECIAL USE PERMIT; PERMITTED USES.

Provided such uses shall not in the opinion of the Planning Commission be adverse to the purpose of this section or damaging to the public health, safety or welfare, or impose a financial burden upon the community or shall in any manner affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system, the following uses may be permitted subject to the review and approval of the Planning Commission.

- A. Railroads, streets, bridges, utility transmission lines, and pipelines.
- B. Marinas, boat rentals, docks, piers, wharves.
- C. Extraction of sand, gravel, and other materials.

Ordinance No. 10

- D. Structures for recreational uses such as shelter houses, out buildings or wildlife sanctuaries.
- E. Parking areas.
- F. Other uses similar to above uses. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 8. FLOODWAY; SPECIAL USE PERMITS; REQUIREMENTS.

In addition to the requirements of the Covert Township Zoning Ordinance, the application for a special use permit in the Floodway Area of the Conservancy District shall submit the following:

- A. A letter of approval from the State of Michigan Department of Natural Resources.
- B. A location map including existing topographic data at two (2) foot interval contours at a scale of one (1) inch representing 100 feet.
- C. A map showing proposed grading and drainage plans including the location of all public drainage easements, the limits, extent, and elevations of the proposed fill, excavating and occupation.
- D. A statement from the Van Buren County Drain Commissioner indicating that he has reviewed and approved the proposal.
- E. A statement from the Van Buren County Health Department indicating that they have reviewed and approved the proposal.
- F. A statement from the Township Engineer concerning feasibility of the proposal and his approval.
- G. Any other information requested by the Planning Commission. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 9. FLOODWAY; SPECIAL USE PERMITS; STANDARDS.

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards as well as those in the Covert Township Zoning Ordinance.

- A. Structures shall not be designed for human habitation and shall have a low flood damage potential.
- B. Structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters and whenever possible, shall be constructed with the longitudinal axis parallel to the direction of floodflow.
- C. No special use permit shall be issued for the development of new structures, the substantial improvement or relocation of old structures, or development of any kind within the floodway area when such development, construction, improvement or

Ordinance No. 10

relocation would cause any increase in flood level associated with intermediate regional flood. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 10. FLOODWAY FRINGE AREA; PERMITTED USES.

The following uses having a low flood damage potential and present no, or minimal obstruction to flood flows shall be permitted within the floodway fringe district to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. Approval from the State of Michigan Department of Natural Resources is needed for construction activity taking place in the floodway fringe.

- A. **RECREATION USES:** Parks, playgrounds, playfields, bridle paths, nature trails, natural wildlife preserves, outdoor tennis courts, archery ranges, boat launching ramps, target ranges, trap and skeet ranges, game farms, fish hatcheries, and similar uses. Land owned by the developer of multiple housing or of a planned unit development in the floodway area of the Conservancy District may be used to provide the necessary open space required under the provisions of the Covert Township Zoning Ordinance, provided the open space requirement of the specific section of the Township Zoning Ordinance is met.
- B. **GOLF COURSES AND DRIVING RANGES:** In accordance with the requirements of the Covert Township Zoning Ordinance.
- C. **AGRICULTURAL USES:** General farming, pasture, grazing, outdoor plant nurseries, horticulture, vitaculture, truck farming, and wild crop farming.
- D. **USES INCIDENTAL TO SINGLE FAMILY DWELLINGS:** Lawns, gardens, play areas, and parking areas.
- E. **USES NOT PERMITTED:** Permitted uses in underlying zoning districts shall not be construed as being permitted uses in the floodway area of the Conservancy District unless those uses are indicated as being permitted in the subsections listed above. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 11. FLOODWAY FRINGE AREA; SPECIAL USE PERMIT; PERMITTED USES.

Provided such uses shall not in the opinion of the Planning Commission be adverse to the purpose of this section or damaging to the public health, safety, or welfare, or impose a financial burden upon the community the following uses may be permitted by issuance of a special use permit in accordance with the Covert Township Zoning Ordinance and any other requirements stipulated herein:

- A. Railroads, streets, bridges, utility transmission lines, and pipelines.
- B. Marinas, boat rentals, docks, piers, wharves.
- C. Extraction of sand, gravel, and other materials.
- D. Structures for recreational uses such as shelter houses, out buildings or wildlife sanctuaries.

Ordinance No. 10

- E. Those uses indicated as being permitted uses or as being permissible with a special use permit in those zoning districts which underlie the Conservancy District.
- F. Dumping or backfilling with any material in any manner. In the case where floodway fringe areas have no groundwater recharge or impoundment potential, filling may occur through compensating excavation and shaping of the floodway fringe in such a way as to maintain or improve the flow or natural impoundment capacity of the floodway fringe. In no case shall the flow or impoundment capacity of the floodway fringe be reduced.
- G. Other uses similar in nature to uses described in Section 10 which are consistent with the provisions of this Title. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 12. FLOODWAY FRINGE AREA; SPECIAL USE PERMITS; REQUIREMENTS.

In addition to the requirements of the Covert Township Zoning Ordinance, the applicant for a special use permit in the Conservancy District shall meet the following requirements.

- A. The applicant for a special use permit shall be required to submit that information listed as necessary in Section 8. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 13. FLOODWAY FRINGE AREA; SPECIAL USE PERMITS; STANDARDS.

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards as well as those in the Covert Township Zoning Ordinance.

- A. All new residential structures and residential structures requiring substantial improvement shall have the lowest floor (including basement) elevated to one (1) foot above the level of the intermediate regional floodplain.
- B. All new nonresidential structures and nonresidential structures requiring substantial improvements shall have the lowest floor (including basement) elevated to one (1) foot above the level of the intermediate regional flood plain or shall be floodproofed to one (1) foot above the level of the intermediate regional flood plain.

Sec. 14. FLOOD PLAIN AREAS; MOBILE HOMES AND SUBDIVISIONS.

When a mobile home, mobile home park or mobile home subdivision is to be developed or substantially redeveloped or reconstructed and is located either totally or partially within the floodway and/or floodway fringe areas of the Conservancy District, the following regulations shall apply in addition to those listed in the Covert Township Zoning Ordinance.

- A. No mobile homes shall be placed in the floodway area of the Conservancy District except within mobile home parks or mobile home subdivisions which were existing prior to February 1977.
- B. Mobile homes placed within the floodway and floodway fringe area shall be anchored to resist flotation, collapse, or lateral movement in the following manner:

Ordinance No. 10

1. Over-the-top ties to ground anchors shall be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations, however, mobile homes of less than 50 feet long shall be required to have only one additional tie per side.
2. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points along the mobile home; however, mobile homes of less than 50 feet long shall be required to have only four additional ties per side.
3. All equipment used to tie down the mobile home shall be capable of carrying a force of 4,800 lbs.
4. Any additions to the mobile homes located within the floodway shall be anchored in a similar manner.

C. For new mobile home parks and mobile home subdivisions, and for expansions to existing mobile home parks and mobile home subdivisions, and for repair, reconstruction, or improvement of the streets, utilities and pads, in said mobile home parks and mobile home subdivisions, any of which take place in the floodway fringe area, the following restrictions shall apply.

1. Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home shall be elevated to at least one (1) foot above the intermediate regional flood protection elevation.
2. Adequate surface drainage shall be provided along with ample access for a hauler.
3. If the stands are elevated on pilings, lots shall be large enough to permit steps. Pilings shall be placed in stable soil and shall be no more than ten (10) feet apart. Any pilings which are located more than six (6) above the ground shall be reinforced.

D. Any Mobile home which is to be located, reconstructed, or repaired, on an individual lot or associated with a mobile home park or mobile home subdivision and which is located either totally or in part in the floodway fringe area shall meet those requirements for elevation, drainage, and piling design set forth in Section 82-16.14(c) (now numbered 25.044 C).

E. All mobile home parks and mobile home subdivisions located within the floodway area shall develop an evacuation plan indicating alternate vehicular access and escape routes and shall submit copies of said plan to the Civil Defense agencies for both Lansing and Ingham County to any other disaster relief agency deemed appropriate. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 15. VARIANCES.

Standards for Variance by the Zoning Board of Appeals from the Strict Interpretation of the Regulations set forth in the Covert Township Zoning Ordinance.

Ordinance No. 10

- A. No variance shall be granted for the development of new structures, the substantial improvement or relocation of old structures, or development of any kind within the floodway area when such development, construction, improvement, or relocation would cause any increase in flood levels associated with the intermediate regional flood.
- B. The following four criteria must be met in addition to those stipulated in the Covert Township Zoning Ordinance before a variance can be granted.
 - 1. A sufficient cause for granting the variance must be shown.
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. 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, or conflict with this title.
 - 4. A determination that the variance is the minimum necessary to afford relief.
- C. Upon application for a variance for construction below the elevation of the intermediate regional flood, the Township shall notify the applicant for variance in writing that:
 - 1. Issuance of a variance to construct a structure below the elevation of the intermediate regional flood will result in increased premium rates for flood insurance commensurate with the increased risk resulting from the reduced lowest flood elevation and that,
 - 2. Such construction below the elevation of the intermediate regional flood increases risk to life and property.

Record of such notification shall be maintained along with records of all variance actions dealing with flood plain development. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 16. **GROUND WATER RECHARGE AREA; PERMITTED USES.**

The following uses which allow infiltration of surface water and which do not restrict the percolation of surface water for recharge of the ground water supply shall be considered permitted within the ground water recharge area to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment:

- A. **RECREATION USES:** Parks, playgrounds, playfields, bridle paths, nature trails, natural wildlife preserves, outdoor tennis courts, archery ranges, boat launching ramps, target ranges, trap and skeet ranges, game farms, fish hatcheries, and similar uses.
- B. **GOLF COURSES AND DRIVING RANGES:** In accordance with the requirements of the Covert Township Zoning Ordinance.
- C. **AGRICULTURAL USES:** General farming, pasture, grazing, outdoor plant nurseries, horticulture, vitaculture, truck farming, and wild crop farming.

Ordinance No. 10

- D. **USES INCIDENTAL TO SINGLE FAMILY DWELLINGS:** Lawns, gardens, and play areas.
- E. **PARKING AREAS:** Provided said parking areas are unpaved and are constructed so as to permit surface water infiltration.
- F. **USES NOT PERMITTED:** Permitted uses in underlying zoning districts shall not be construed as being permitted uses in the ground water recharge area of the Conservancy District unless those uses are indicated as being permitted in the subsections listed above. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 17. GROUND WATER RECHARGE AREA; SPECIAL PERMIT; PERMITTED USES.

Provided such cases shall not in the opinion of the Planning Commission be adverse to the purpose of this section or damaging to the public health, safety, or welfare, or impose a financial burden upon the community the following uses may be permitted by issuance of a special use permit in accordance with the Covert Township Zoning Ordinance and any other requirements stipulated herein:

- A. Railroads, streets, bridges, utility transmission lines, and pipelines.
- B. Marinas, boat rentals, docks, piers, wharves.
- C. Extracation of sand, gravel, and other materials.
- D. Structures for recreational uses such as shelter houses, out buildings or wildlife sanctuaries.
- E. Those uses indicated as being permitted uses or as being permissible with a special use permit in those zoning districts which underlie the Conservancy District.
- F. Other uses similar in nature to uses described in Section 14 which are consistant with the provisions of the Covert Township Zoning Ordinance. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 18. GROUND WATER RECHARGE AREA; SPECIAL USE PERMITS; REQUIREMENTS.

In addition to the requirements of the Covert Township Zoning Ordinance, the applicant for a special use permit in the Conservancy District shall submit the following:

- A. A location map including existing topographic data at two (2) foot interval contours.
- B. A map showing proposed grading and drainage plans including the location of all public drainage easements, the limits, and extent, and elevations of the proposed fill, excavation and occupation.
- C. A statement from the Van Buren County Drain Commissioner indicating that he has reviewed and approved plans.

Ordinance No. 10

- D. A statement from the Van Buren County Health Department indicating that they have reviewed and approved plans.
- E. A statement from the Township Engineer concerning feasibility of the plans and his approval.
- F. Any other information requested by the Planning Commission. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 19. **GROUND WATER RECHARGE AREA; SPECIAL USE PERMITS; STANDARDS.**

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards as well as those in the Covert Township Zoning Ordinance.

- A. Any fill proposed to be deposited in a ground water recharge area must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose.
- B. Fill or other material shall be protected against erosion by rip-rap, vegetative cover or bulkheading.
- C. Reduction of surface water infiltration shall be kept to a minimum. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 20. **CONTROL OF SOIL EROSION.**

Any development in Covert Township shall comply with the Standards and Specifications for Soil Erosion and Sediment Control as adopted by the Van Buren County Soil Conservation District on April 21, 1970.

- A. **COMPLIANCE:** No site plan, except for single family residential structures which must meet standards approved for the plat, shall be approved unless it includes soil erosion and sediment control measures in accordance with the technical standards of the Van Buren County Soil Conservation District. No certificate for occupancy of any building may be granted unless and until all needed erosion control measures have been completed or substantially provided for in accordance with this Title or the Covert Township Zoning Ordinance and the Standards and Specifications of the Van Buren County Soil Conservation District. The developer shall bear the full responsibility for the installation and construction of all required erosion control measures according to the provisions of this title and to the standards and specifications of the Van Buren Soil Conservation District.
- B. **DATA REQUIRED:** The developer must submit to the Department of Development Control of Covert Township and to Van Buren County the following for the entire tract of land, whether or not the tract will be developed in stages:
 - 1. A boundary line survey of the site on which the work is to be performed.

Ordinance No. 10

2. Description of the features, existing and proposed, surrounding the site of importance to the proposed development.
 3. General topographic and soil conditions of the site available from the Township Planning Department or the Van Buren County Soil Conservation District.
 4. Location and description of existing and future man-made features of importance to the proposed development.
 5. Plans and specifications of soil erosion and sedimentation control measures in accordance with standards and specifications of the Van Buren County Soil Conservation District.
 6. A timing schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.
- C. **GRADING PERMIT:** A grading permit valid for no more than six months unless extended by new application as provided for in the Township Building Code shall be required for each development. This permit may not be issued without the approval of both the Planning Director and the Building Inspector.
- D. **GENERAL DESIGN PRINCIPLES:** Practical combinations of the following general principles will provide effective sediment control when properly planned and applied:
1. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
 2. Permanent vegetation and improvements such as streets, storm sewers or other features of the development, capable of carrying storm runoff in a safe manner, shall be scheduled for installation to the greatest extent possible before removing the vegetative cover from an area.
 3. Wherever feasible, natural vegetation shall be retained and protected.
 4. Where inadequate vegetation exists, temporary or permanent vegetation shall be established.
 5. The smallest practical area of land shall be exposed at any one time during development.
 6. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
 7. Critical areas exposed during construction shall be protected with temporary vegetation and/or mulching.
 8. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.

Ordinance No. 10

9. Provisions shall be made to effectively accommodate the increasing run-off caused by changed soil and surface conditions during and after development.

10. The permanent final vegetation and structures shall be installed as soon as practical in the development.

E. **DEVELOPMENT STANDARDS:** All development plans, specifications and timing schedules including extensions of previously approved plans, shall include provisions for erosion and sediment control in accordance with the standards and specifications established by the Van Buren County Soil Conservation District.

1. Technical standards for the design and installation of erosion and sediment control measures are on file at the Van Buren Soil Conservation District office and with the Township Planning Director.

F. **MAINTENANCE:** Individuals or developers carrying out soil erosion and sediment control measures under this Title, the Covert Township Zoning Ordinance, and all subsequent owners of property on which such measures have been installed, shall adequately maintain all permanent erosion control measures, devices and plantings in effective working conditions. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 21. **CONFLICT OF ORDINANCES.**

In the event of conflict between those regulations stipulated in the Covert Township Zoning Ordinance and with the Flood Plains Control Ordinance those regulations found in this Ordinance shall take precedent over the remainder of the Covert Township Zoning Ordinance with the exception of uses permitted or subject to special use permits. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 22. **STATE AND FEDERAL LAW.**

Nothing in this Ordinance shall be deemed to exempt a developer from the requirements of any State or Federal statute or regulation applicable to the proposed activity; nor shall any permit or approval issued to a developer from a State or Federal agency be deemed to exempt the developer from the requirements of this Ordinance. (ord. No. 10 eff. Jan. 16, 1978)

Sec. 23. **EFFECTIVE DATE.**

This Ordinance shall become effective upon publication subsequent to final adoption.

Effective January 16, 1978