

## **PART 18**

### **DRAINAGE AND FLOODING REGULATIONS**

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## CHAPTER 1

### CONTROL OF SURFACE WATER NATURAL RESOURCE CONSERVATION

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<b>Section 18-103</b>	<b>Choctaw standard drainage policy - recommended control of surface water drainage.</b>
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#### **SECTION 18-101    PURPOSE AND SCOPE.**

A. It is the intent of this chapter to protect the general health, safety and welfare of the public from the dangers arising from:

1. Improper drainage;
2. Unwise diversion;
3. Use and obstruction of drainage channels;
4. To protect natural scenic areas; and
5. To provide for the conservation of the natural resources of the area.

All subdivisions of land and all developments or improvements of any character which affect drainage in any portion of the city shall be subject to the provisions of these regulations.

B. The provisions of this chapter shall apply to and be binding upon every person, firm, agency, institution or corporation, and every entity which seeks to develop, redevelop, grade, regrade, excavate, landfill, berm or dike land within the city. (Ord. No. 414, 4/21/92; Ord. No. 452, 10/18/94)

#### **SECTION 18-102    DEFINITIONS.**

As used herein:

1. "Base flood" or "100-year flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year;
2. "Detention" means the temporary storage and controlled release of stormwater run-off;
3. "Detention facility" means a facility that provided temporary storage of stormwater run-off and controlled release of this run-off;
4. "Development" means the following activities shall constitute development: any manmade changes to improved or unimproved real estate, including but not limited to:
  - a. Buildings or other structures; or
  - b. Mining, dredging, filling, grading, paving, excavation or drilling operations.
5. The following activities shall not constitute development:
  - a. Lawn and yard care;
  - b. Gardening;

- c. Tree care and maintenance;
  - d. Removal of trees or other vegetation damaged by natural forces; or
  - e. Bonafide agricultural pursuits.
6. "Floodway" means the channel of a river or other water course 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; and
7. "Historic" means pre-development or existing condition at time of development for all storm frequencies. (Ord. No. 414, 4/21/92; Ord. No. 452, 10/18/94)

**SECTION 18-103      CHOCTAW STANDARD DRAINAGE POLICY - RECOMMENDED CONTROL OF SURFACE WATER DRAINAGE.**

A. City of Choctaw standard drainage policy Part 18 adopted by Ordinance No. 414 adopted April 21, 1992, and amended by the adoption of Ordinance 452 dated October 18, 1994, and appended to this ordinance is hereby adopted and made a part hereof and shall be used for all runoff flow and sizing for the regulations established herein. The current standard drawing and details shall be used.

B. The drainage policy, standards and detail sheets may be modified from time to time by the city engineer, as necessary, to stay current with the latest engineering practices, methods and materials. (Ord. No. 414, 4/21/92; Ord. No.452, 10/18/94)

**SECTION 18-104      RESPONSIBILITY OF DEVELOPER/OWNER FOR STORM DRAINAGE IMPROVEMENTS.**

A. It shall be the goal of the owner/developer to limit the storm runoff leaving his property to the so-called "historic value" (before development). To achieve this, the developer/owner shall provide storage for the increased storm water runoff resulting from his development.

B. Where a developer/owner proposes development or use of only a portion of the property, provision for storm runoff control shall be required for that portion of the property proposed for immediate development or use.

C. The development shall provide a sufficient stormwater drainage system for the conveyance of existing stormwater runoff received from upstream and from the subject property with specific allowance having been made for the continued conveyance of stormwater runoff from properties adjacent to the proposed development which may develop in the future.

D. All roofs, paved areas, yards, courts and courtyards, other than one-family or two-family residential structures, shall drain into an existing or improved storm sewer system or to an approved place of disposal, not generally including streets.

- 1. Release of stormwater onto arterial (section line) streets may be considered acceptable if one percent (1%) street flow does not exceed four (4) inches in depth during a fifty (50) year storm. Release of stormwater onto all other classifications of streets may be considered acceptable if the depth of flow does not exceed six (6) inches in depth at the face of curb during a one hundred (100) year storm event.
- 2. The addition of off-site stormwater improvements may be waived by the city council if, in the opinion of the city council, the addition of storm sewer would cause extreme hardship on the developer, in which case the council will address alternative methods of disposal.

E. In the case of one-family and two-family residential structures, stormwater may be discharged onto flat areas such as streets or lawns if drainage is provided so that the stormwater will flow away from the building and if the requirements of the city drainage standards are met.

F. The owner/developer shall remain responsible for the construction, operation and maintenance of stormwater detention systems, except as provided in Section 18-106. No conveyance of the responsibility of the detention system is allowed nor implied by the issuance of building permits. Stormwater detention systems shall be considered a priority during construction. All stormwater drainage systems, erosion control and sedimentation control shall be constructed as one of the first items of a development, and shall be constructed prior to any change in the stormwater runoff of the development. (Ord. No. 414, 4/21/92; Ord. No. 452, 10/18/94)

#### **SECTION 18-105 REQUIREMENTS RELATING TO DEVELOPMENTS.**

A. In any development or improvement of property, the developer/owner may be required to provide at his own expense a preliminary drainage study for the total area to be ultimately developed. It shall be the responsibility of the city engineer to determine whether the need exists for a preliminary drainage study, and, if required, the study shall be submitted to the city engineer for review prior to his acceptance of any preliminary plat or construction plans for the development or any increment thereof.

B. The city reserves the right to require improvements to preclude any backup of tail water inundating any areas outside of the development as a result of the base flood.

C. No excavating or grading or leveling or landfilling of any lot or tract of record for single-family residential developments, multi-family or non-residential development shall be commenced prior to the approval of the preliminary grading plan or building permit.

D. All developments shall be designed, constructed and completed in a manner which minimizes the removal of vegetation and existing tree cover.

E. Development activities shall begin and continue only if appropriate sedimentation facilities are installed and maintained throughout the construction period. (Ord. No. 414, 4/21/92; Ord. No. 452, 10/18/94)

#### **SECTION 18-106 TITLE OWNERSHIP AND MAINTENANCE.**

Ownership and maintenance of detention storage facilities shall remain with the private sector unless such areas are in a development that has no neighborhood or homeowners association or the like to regulate such facilities. Other drainage facilities herein provided for may be dedicated to the public and maintained by the public unless such facilities are an integral usable part of the development, in which case the ownership and maintenance of the facilities shall remain with the private sector. Prior to the acceptance of any drainage or detention facility for maintenance by the city, the developer shall be in compliance with the following:

1. Completed construction of all required facilities and erosion control as approved by the city engineer, or provide sufficient surety bond, cash escrow, or letter of credit approved by the city engineer and city attorney guaranteeing the construction of all required facilities, and erosion controls as approved by the city engineer, within one year; and
2. Pay a sum to the city equal to Seven Hundred Dollars (\$700.00) multiplied by the

number of acres dedicated for the detention facility multiplied by seven (7) years to cover the cost of maintenance. All funds received shall be maintained in a separate account to be used for the maintenance of detention ponds only. (Ord. No. 414, 4/21/92)

**SECTION 18-107    ADMINISTRATION.**

A.     Prior to approval of any plat or plan, the developer's consulting engineer shall submit backwater profiles and stream flow and runoff calculations as may be required by the city engineer under the terms of this chapter.

B.     A building permit or occupancy permit shall not be issued for any structure in the subject area until:

1.     The required improvements have been completed and accepted by the city engineer or city director of public works, with approved maintenance bonds on file; or
2.     A development bond or irrevocable letter of credit approved by the city attorney and accepted by the city council, guaranteeing the required improvements is on file with the city clerk. (Ord. No. 414, 4/21/92)

**SECTION 18-108    PENALTY.**

Any violation of the provisions of this chapter is punishable by fine or imprisonment as provided in Section 1-108 of the city's code of ordinances. (Ord. No. 414, 4/21/92)

## CHAPTER 2

### FLOOD DAMAGE PREVENTION

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<b>Section 18-220</b>	<b>Floodways.</b>
<b>Section 18-221</b>	<b>Floodplain.</b>

#### **SECTION 18-201    FINDINGS OF FACT.**

A.     The flood hazard areas of the community are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B.     These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

**Ed. Note:**     This ordinance re-numbers former code Sections 12-501 et seq. and adopts amended flood damage regulations.

#### **SECTION 18-202    STATEMENT OF PURPOSE.**

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1.     Protect human life and health;
2.     Minimize expenditure of public money for costly flood control projects;
3.     Minimize the need for rescue and relief efforts associated with flooding and generally

- undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
  5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
  6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
  7. Insure that potential buyers are notified that property is in a flood area. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

#### **SECTION 18-203    METHODS OF REDUCING FLOOD LOSSES.**

In order to accomplish its purposes, this chapter uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage; or
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood damage. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

#### **SECTION 18-204    DEFINITIONS.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application. The following terms as used herein will mean:

1. “Alluvial fan flooding” means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths;
2. “Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur;
3. “Appeal” means a request for a review of an interpretation by the appeal board as established by the community or its designated agency of any provision of this chapter or a request for a variance;
4. “Area of shallow flooding” means a designated AO, AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow;
5. “Area of special flood hazard” means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE

- or V;
6. “Base flood” means the flood having a one percent (1%) chance of being equalled or exceeded in any given year;
  7. “Basement” means any area of the building having its floor subgrade (below ground level) on all sides;
  8. “Critical feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised;
  9. “Development” means any manmade change in improved and unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials;
  10. “Elevated building” means a nonbasement building:
    - a. Built, in the case of a building in zones A1-30, AE, A, A99, A0, AH, B, C, X and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and pliers), or shear walls parallel to the floor of the water; and
    - b. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood;

In the case of zones A1-30, A1, A, A99, AO, AH, B, C, X, D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of zones V1-30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building”, even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the Nation Flood Insurance Program regulations;

11. “Existing construction” means for the purpose of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures”;
12. “Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community;
13. “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads);
14. “Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters; or
  - b. The unusual and rapid accumulation or runoff of surface waters from any source;
15. “Flood Insurance Rate Map” (FIRM)” means an official map of a community, on

which the federal emergency management agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community;

16. “Flood insurance study” means the official report provided by the federal emergency management agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map;
17. “Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of flooding);
18. “Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations;
19. “Floodplain management regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction;
20. “Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents;
21. “Flood protection system” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards;
22. “Floodway (regulatory floodway)” means 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;
23. “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities;
24. “Habitable floor” means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a “habitable floor”;
25. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure;
26. “Historic structure” means any structure that is:
  - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
  - b. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
  - d. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
    - 1) By an approved state program as determined by the secretary of interior; or
    - 2) Directly by the secretary of the interior in states without approved programs;
27. “Levee” means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding;
28. “Levee system” means a flood protection system which consists of a levee or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices;
29. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations;
30. “Manufactured home” means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers and other similar vehicles. The term “manufactured home” does not include a “recreational vehicle”;
31. “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale;
32. “Mean sea level” means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which the base flood elevations shown on a community’s flood insurance rate map are referenced;
33. “New construction” means for the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures;
34. “New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community;
35. “Recreational vehicle” means a vehicle which is:

- a. Built on a single chassis;
  - b. Four hundred (400) square feet or less when measured at the largest horizontal projectile;
  - c. Designed to be self-propelled or permanently towable by a light duty truck; and
  - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use;
36. “Start of constructions” means for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348) includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation of basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building;
37. “Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home;
38. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred;
39. “Substantial improvement” means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
- a. Before “start of construction” of the improvement; or
  - b. This includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.
  - c. 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 correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
    - 2) Any alteration of an “historic structure”, provided that the alteration will not preclude the structure’s continued designation as an “historic structure”;
40. “Variance” means a grant of relief to a person from the requirements of this chapter

when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. For full requirements, see Section 60.6 of the National Flood Insurance Program regulations;

41. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (d)(3), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided; and
42. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, here specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

#### **SECTION 18-205    LANDS TO WHICH SPECIAL FLOOD HAZARD APPLIES.**

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the community. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

#### **SECTION 18-206    BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.**

The areas of special flood hazard identified by the Federal Emergency Management Agency on its Flood Insurance Study for the community, with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary-Floodway Maps (FBFM) and any revisions thereto are hereby adopted and incorporated herein by reference and are declared to be a part of this chapter. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

#### **SECTION 18-207    ESTABLISHMENT OF DEVELOPMENT PERMIT.**

A development permit shall be required to ensure conformance with the provisions of this chapter. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

#### **SECTION 18-208    COMPLIANCE.**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

#### **SECTION 18-209    ABROGATION AND GREATER RESTRICTIONS.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **SECTION 18-210    INTERPRETATION.**

In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor appeal any other powers granted under state statutes. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

**SECTION 18-211    WARNING AND DISCLAIMER OR LIABILITY.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

**SECTION 18-212    DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.**

The city building official is hereby appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CRF (National Flood Insurance Program Regulations) pertaining to floodplain management. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

**SECTION 18-213    DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;
2. Review permit application to determine whether proposed building site will be reasonably safe from flooding;
3. Review, approve or deny all applications for development permits required by adoption of this chapter;
4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretations;
6. Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Oklahoma Water Resources Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
8. When base flood elevation data has not been provided in accordance with Section 18-206, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of Sections 18-216, 18-217 and 18-218 of this

- chapter;
9. When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community; and
  10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

### **SECTION 18-214 PERMIT PROCEDURES.**

A. Application for a development permit shall be presented to the floodplain administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor, including basement, of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Paragraph 2 of Section 18-217;
4. Description of the extent of which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
5. Maintain a record of all such information in accordance with Paragraph 1 of Section 18-213.

B. Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated developments;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
7. 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;
8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to flooding or erosion damage, for proposed use; and
10. The relationship of the proposed use to the comprehensive plan for that area. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

**SECTION 18-215 VARIANCE PROCEDURES.**

A. The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this chapter.

B. The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

D. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. 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 chapter.

F. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Subsection B of Section 18-214 have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter as set out in Section 18-202 herein.

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

- I. Pre-requisites for granting variances include the following:
  1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
  2. Variances shall only be issued upon:
    - a. Showing a 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, or conflict with existing local laws or ordinances; and
  3. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the 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.

J. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in Subsections A through I of this section are met; and
2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

K. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

#### **SECTION 18-216 PROVISIONS FOR FLOOD HAZARD REDUCTION; GENERAL STANDARDS.**

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

1. All of new construction or substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood water; and
7. On-site waste water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### **SECTION 18-217 PROVISIONS FOR FLOOD HAZARD REDUCTION; SPECIFIC STANDARDS.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 18-206, Paragraph 8 of 18-213 or Subsection D of 18-218, the following provisions are required:

1. Residential construction: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this paragraph as proposed in Section 18-214 of this code is satisfied;

2. Nonresidential construction: New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop a review structural design, specifications, and plans for construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of this certification which includes the specific elevation, in relation to mean sea level, to which such structures are floodproofed shall be maintained by the floodplain administrator; and
3. Enclosures: New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
  - b. The bottom of all openings shall be no higher than one foot above grade; and
  - c. Openings may be equipped with screens louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
4. Manufactured homes:
  - a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
  - b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites:
    - (1) Outside of a manufactured home park or subdivision;
    - (2) In a new manufactured home park or subdivision;
    - (3) In an expansion to an existing manufactured home park or subdivision;  
or
    - (4) In an existing manufactured home park or subdivision which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
  - c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH

and AE on the community's FIRM that are not subject to the provisions of paragraph 4 of this section be elevated so that either:

- (1) The lowest floor of the manufactured home is at or above the base flood elevation; or
  - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
5. Recreational vehicles: Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
- a. Be on the site for fewer than one hundred eighty (180) consecutive days;
  - b. Be fully licensed and ready for highway use; or
  - c. Meet the permit requirements of Section 18-213, and the elevation and anchoring requirements for "manufactured homes" in paragraph 4 of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

#### **SECTION 18-218    STANDARDS FOR SUBDIVISION PROPOSALS, FLOOD HAZARD AREAS.**

A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 18-201 through 18-203 of this code.

B. All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet development permit requirements of Sections 18-207, 18-214 and the provisions of Sections 18-215 et seq. of this chapter.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Sections 18-206 and 18-213 of this code.

D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

#### **SECTION 18-219    STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES).**

Located within the areas of special flood hazard established in this chapter are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three (3) feet where a clearly defined channel does not exist and where the path of

flooding is unpredictable and indeterminate and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified);
2. All new construction and substantial improvements of nonresidential structures have the following:
  - a. The lowest floor (including basement) elevated to one foot above the depth number specified on the FIRM or at least two (2) feet above the highest adjacent grade if no depth number is specified in feet; or
  - b. Together with attendant utility and sanitary facilities be designed so that, below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy;
3. A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in 18-214 of this code, are satisfied; and
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

#### **SECTION 18-220 FLOODWAYS.**

Floodways located within areas of special flood hazard established in this chapter 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 shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other developments within the adopted regulatory floodway until it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharges;
2. If paragraph 1 of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 18-216 et seq. of this code; or
3. National Flood Insurance Regulations, encroachments may be permitted within the adopted regulatory floodway that would result in an increase in base flood elevation, provided that the community first applies for a conditional FIRM and floodway revision through FEMA. (Ord. No. 138, 12/6/77; Ord. No. 348, 5/23/87; Ord. No. 418, 4/21/92)

#### **SECTION 18-221 FLOODPLAIN.**

No fills will be permitted in the floodplain unless a HEC-2 study is provided by the engineer for the developers of the tract, indicating the water surface in the floodway will not be increased lower than one foot during the base flood (100 year) flows. (Ord. No. 418, 4/21/92)