

CHAPTER 9.1

FLOOD HAZARD AREAS*

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ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

Section 9.1-1. Statutory Authorization.

The Legislature of the State of Mississippi has in Title 17, Chapter 1, Mississippi Code 1972 Annotated, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of Laurel, Mississippi, Hereby adopt the following floodplain management regulations.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 1, §A, 12-22-98

Section 9.1-2. Findings of Fact.

- (1) The flood hazard areas of Laurel, Mississippi are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are

***State Law Reference** --- Procedure for establishing, amending, etc., of regulations, zone boundaries, etc.; notice and hearing, §17-1-15.

Sources --- Codes, 1930, § 2477; 1942, § 3593; Laws, 1926, ch. 308; 1988, ch. 483, § 3, eff from and after July 1, 1988.

Cross References --- Adopting, amending and enforcing official plans of local planning commission, see §17-1-11.

Editor's Note --- Ordinance No. 1099-1987, Art. I, § A through Art. 5, § E, adopted June 2, 1987, did not specify the manner of codification, but was included herein as Ch. 9.1, §§ 9.1-1 --- 9.1-22, at the editor's discretion.

inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 1, §B, 12-22-98

Section 9.1-3. Statement of Purpose.

It is the purpose of this Ordinance 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) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or 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 erosion or flood damage; and,
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 1, §C, 12-22-98

Section 9.1-4. Objectives.

The objectives of this Ordinance are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to 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) to 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 flood blight areas; and,
- (7) to ensure that potential homebuyers are notified that property is in a flood area.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 1, §D, 12-22-98

Section 9.1-5. Methods of Reducing Flood Losses.

In order to accomplish its purposes, this Ordinance includes methods and provisions for:

- (1) restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas.

Source: Ordinance No. 1328, 1998, Ch. 9.1, Art. 1, §E, 12-22-98

ARTICLE II. DEFINITIONS.

Section 9.1-6. Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

“**A Zone**” is the Area of Special Flood Hazard without base flood elevations determined.

“A1 – A30 and AE zone” is the Area of Special Flood Hazard with base flood elevations determined.

“Accessory Structure” (Appurtenant structure) means a structure which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns and hay sheds.

“Addition (to an existing building)” means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction. Any addition shall be considered new construction. If the addition is more than 50% of the market values of the structure, then the addition and the existing structure are now new construction.

“AH zone” is an area of one percent chance of shallow flooding where depths are between one to three feet (usually shallow ponding), with base flood elevations shown.

“AO zone” is an area of one percent chance of shallow flooding where depths are between one to three feet (usually sheet flow on sloping terrain), with depth numbers shown.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this Ordinance or a request for a variance.

“AR/A1 – A30, AR/AE, AR/AH, AR/AO, and AR/A zones” are SFHAs that result from the decertification of a previously accredited flood protection system or levee that is in the process of being restored to provide a one percent chance or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

“A99 zone” is that part of the SFHA inundated by the one percent chance flood to be protected from the one percent chance flood by a Federal flood protection system or levee under construction, no base flood elevations are determined.

“Area of shallow flooding” means a designated AO or AH zone on the community’s Flood Insurance Map (FIRM) with flood depths from one to three feet where a clearly defined channel does not exist, 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.

“Area of special flood hazard” is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

“B and X zones (shaded)” are areas of 0.2 percent chance flood that are outside of the SFHA (Special Flood Hazard Areas) subject to the one percent chance flood with average depths of less than one foot, or with contributing drainage area less than one square mile, and areas protected by certified levees from the base flood.

“Base flood” means the flood having a one percent (1%) chance of being equaled or exceeded in any given year (also called the “100-year flood”). Base flood is the term used throughout this Ordinance.

“Basement” means that portion of a building having its floor sub-grade (below ground level) on all sides.

“Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

“Building” see *Structure*.

“Building Inspector” and/or his/her designee will be the individual appointed to administer and to enforce the floodplain management regulations.

Source: Ordinance No. 1491-2007, 4-17-07

“C and X zones (unshaded)” are areas determined to be outside the 0.2 percent chance floodplain.

“Community” is a political entity and/or its authorized agents or representatives that have the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

“Community Flood plain Management Map” means any map produced by the community utilizing best available base flood elevation and floodway data that is from a federal, state, or other accepted technical source.

“Community Rating System (CRS)” is a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

“Community Flood Hazard Area (CFHA)” is an area that has been determined by the Building Inspector and/or his/her designee from available technical studies, historical information and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely

affect the public health, safety and general welfare. This includes areas downstream from dams.

“Critical facility” (also called critical action) means facilities for which the effects of even a slight chance of flooding might be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use or store hazardous materials or hazardous waste (as defined under the Clean Water Act and other Federal statues and regulations). Such facilities and access to such facilities will be constructed outside the one percent chance Special Flood Hazard Area or elevated/protected to or above the 0.2 percent chance flood level.

“D zone” is an area in which the flood hazard is undetermined.

“Dam” is any artificial barrier, including appurtenant works, constructed to impound or divert water, waste water, liquid borne materials, or solids that may flow if saturated. All structures necessary to maintain the water level in an impoundment or to divert a stream from its course will be considered a dam.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

“Elevated building” means for insurance purposes, a non-basement building which has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, pilings, columns, or piers.

“Elevation Certificate” is a FEMA form used as a certified statement that verifies a building’s elevation information.

“Emergency Program” means the first phase under which a community participated in the NFIP (National Flood Insurance Program). It is intended to provide a first layer amount of insurance coverage for all insurable buildings in that community before the effective date of the initial FIRM (Flood Insurance Rate Map).

“Enclosure below the Lowest Floor” see “Lowest Floor”.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Existing Construction” means structures for which the “start of construction” commenced before the date of the FIRM (Flood Insurance Rate Map) or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

“Existing manufactured home park or subdivision” means a manufactured 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 before August 30, 1977.

“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).

“Fill” means a deposit of earthen materials placed by artificial means.

“Five-Hundred Year Flood” means the flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 0.2 percent chance flood have a moderate risk of flooding.

“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;
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.
- (c) mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (d) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a sever storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which result in flooding.

“Flood” (insurance definition) means a general and temporary condition of partial or complete inundation of two or more acres of normally dry land areas or of two or more properties (e.g. a building and a public street) from (1) overflow of inland or tidal waters (2) unusual and rapid accumulation or runoff of surface waters (3) mudflows caused by flooding.

“Flood Boundary and Floodway Map (FBFM)” means the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study (FIS)” is the official hydraulic & hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood. This document also provides an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface evaluations, or an examination, evaluation, and determination of mudslide and/or flood-related erosion hazards.

“Floodplain” means any land area susceptible to flooding.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain management regulations” means this Ordinance and other Zoning Ordinances, Subdivision Regulations, Building Codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This terms describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Flood-proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damages to real estate or improved real estate property, water, and sanitary facilities, structures, and their contents. Only non-residential buildings in A Zones can be flood-proofed. Structures shall be flood-proofed with a minimum of one

foot of freeboard in relation to the base flood elevation.

“Flood-proofing Certificate” is an official FEMA form used to certify compliance for non-residential structures in A Zones as an alternative to elevating buildings to or above the base flood elevation.

“Flood Protection Elevation” is the base flood elevation plus one (1) foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations or base flood elevations determined and/or approved by the Building Inspector and/or his/her designee.

“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.

“Floodway fringe” means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

“Floor” means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

“Freeboard” means a factor of safety, usually expressed in feet above the BFE (base flood elevation), which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than the base flood.

“Functionally dependent facility” means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hardship” (as related to variances of this Ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The City Council or Building Board of Adjustments and Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

“Hazard potential” means the possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or mis-operation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way on the current condition of a dam and its appurtenant structures (e.g. safety, structural integrity, and flood routing capacity).

“High hazard dam” means a class of dam in which failure may cause loss of life, serious damage to residential, industrial, or commercial buildings; or damage to, or disruption of, important public utilities or transportation facilities such as major highways or railroads. Dams which meet the statutory thresholds for regulation that are proposed for construction in established or proposed residential, commercial, or industrial areas will be assigned this classification, unless the applicant provides convincing evidence to the contrary. A development permit is required for a structure and any associated fill downstream from a dam at any location where flooding can be reasonably anticipated from principal or emergency spillway discharges, or from overtopping and failure of the dam.

“Highest adjacent grade” means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

“Historic Structure” means any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of 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 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 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 the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

“Hydrologic and hydraulic engineering analyses” means the analyses performed by a professional engineer, registered in the state of Mississippi, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

“Increased Cost of Compliances (ICC)” coverage means under the standard

floor insurance policy the cost to repair a substantially flood damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are flood-proofing (nonresidential), relocation, elevation, demolition, or any combination thereof. All renewal and new policies with effective dates on or after June 1, 1997, include ICC coverage.

“Letter of Map Change (LOMC)” is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC’s are broken down into the following categories:

Letter of Map Amendment (LOMA) An amendment based on technical data showing that a property was incorrectly included in a designated SFHA, was elevated to fill (only by a natural grade elevation), and will not be inundated by the one percent chance flood. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

Letter of Map Revision (LOMR) A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and plainmetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the BFE and is, therefore, excluded from the SFHA.

Conditional Letter of Map Revision (CLOMR) A formal review and comment by FEMA as to whether a proposed project complies with the minimum NFIP floodplain management criteria. A CLOMR does not review effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

“Levee” means a man-made 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.

“Levee system” means a flood protection system which consists of a levee, or levees, and a associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices. For a levee system to be recognized, the following criteria must be met. All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is sought or revised). All operations must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or any agency of a community participating in the NFIP.

“Low hazard dam” means a class of dam in which failure would be at the most result in damage to agricultural land, farm buildings (excluding residences), or minor roads.

“Lowest adjacent grade” means the elevation of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is placed for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a building’s foundation system.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of this code.

“Manufactured home” means a building, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

“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.

“Map Amendment” means a change to an effective NFIP map that results in the exclusion from the SFHA or an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA.

“Map Panel Number” means the four-digit number followed by a letter suffix assigned by FEMA on a FHBM, FBFM, or FIRM. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised.

“Market value” means the building value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

“Mean Sea Level” means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the

floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

“National Flood Insurance Program” is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

“National Geodetic Vertical Datum (NGVD)” as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

“New construction” means a structure or an addition to an existing structure for which the "start of construction" commenced on or after August 30, 1977. The term also includes any subsequent improvements to such a structure.

“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 regulations adopted by a community.

“Non-Residential” means, but is not limited to: small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreations buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels and motels with normal room rentals for less than six (6) months duration.

“North American Vertical Datum (NAVD) of 1988” means a vertical control, corrected in 1988, used as a reference for establishing varying elevations with the floodplain.

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

“One Percent Flood” (aka 100-Year Flood) is the flood that has a one percent chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A or V is subject to inundation by the one percent chance flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood within the SFHA.

“Participating Community” is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of NFIP.

“Post-FIRM Construction” means new construction and substantial improvements for which start of construction occurred after December 31, 1974, or on or after the effective date of the initial FIRM of the community, whichever is later.

“Pre-FIRM Construction” means new construction and substantial improvements for which start of construction occurred on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

“Probation” is means of FEMA formally notifying participating communities of the first of the two NFIP sanctions due to their failure to correct violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

“Public safety and nuisance”, anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, or any navigable lake, or river, bay, stream, canal, or basin.

“Recreational vehicle” means a vehicle that is:

- a) Building on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- 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 a temporary living quarters for recreational, camping, travel, or seasonal use.

“Regular Program” means the second phase of the community’s participation in the NFIP in which second layer coverage is available based upon risk premium rates only after FEMA has completed a risk study for the community.

“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.

“Repair” means the reconstruction or renewal of any part of an existing building for which the start of construction commenced on or after August 30,

1977, and all such regulations effective at the time of permitting must be met.

“Repetitive Loss” means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

“Repetitive Loss Property” is any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.

“Section 136” means that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that FEMA finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

“Severe Repetitive Loss Structure” means any insured property that has net at least one of the following paid flood loss criteria since 1978, regardless of ownership:

1. Four or more separate claim payments of more than \$5,000 each (including building contents); or
2. Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

“Significant Hazard Dam” means a dam assigned the significant hazard potential classification where failure may cause damage to main roads, minor railroads, or cause interruption of use, or service of relatively important public utilities.

“Special flood hazard area (SFHA)” means that portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards shown on a FHBM or FIRM as Zone A, AE, A1-A30, AH, AO, AR, AR/A1-A30, AR/AE, AR/AO, AR/AH, AR/A, A/99, V, VE, or V1-V30.

“Start of construction” (for other than new construction or substantial improvements under the Coastal Barrier Resources Act P. L. 97-348), includes substantial improvement, and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or

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 and/or walkways; nor does it include excavation for a 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 building, whether or not that alteration affects the external dimensions of the building.

“Structure”, for floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Structure”, for insurance purposes, means a building with two or more outside rigid walls and fully secured roof, that is affixed to a permanent site; a manufactured home built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation; or a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under community’s floodplain management and building ordinances and laws. The term does not include recreational vehicle or park trailer or other similar vehicle, except as described in the last part of this definition, or a gas, or a liquid storage tank.

“Subrogation” means an action brought by FEMA when flood damages have occurred, a flood insurance claim has been paid, and all or part of the damage can be attributed to acts or omissions by a community or other third party.

“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 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost or repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition or other improvements of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “repetitive loss” or “substantial damage,” regardless of the actual repair work performed. This includes any combination of repairs, reconstruction, alteration, or improvements to a building taking place during (the life of the building) or a 60 day period, in which the cumulative cost equals or exceeds 50 percent of the market value of the building 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 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.

This term includes structures that have incurred “substantial damage” or “repetitive loss,” regardless of the actual repair work performed. 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 building. The term does not, however, include either:

- a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified prior to a permit issuance by the Code Enforcement Official and which are solely necessary to assure safe living conditions; or,
- b) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“Substantially improved existing manufactured home parks or subdivisions” is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equal or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

“Suspension” means the removal, with or without probation, of a participation community from the NFIP (National Flood Insurance Program) because the community failed to adopt and enforce the complaint floodplain management regulations required for participation in the NFIP.

“Variance” is a grant of relief from the requirements of this Ordinance, which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

“Violation” means the failure of a structure or other development to be fully compliant with this Ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of

floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“**X zone**” means the area where the flood hazard is less than that in the SFHA. Shaded X shown on recent FIRMs (B on older FIRMs) designate areas subject to inundation by the flood with a 0.2-percent annual probability of being equaled or exceeded (aka 500-year flood). Unshaded X (C on older FIRMs) designates areas where the annual exceedance probability of flooding is less than 0.2 percent.

“**Zone**” means a geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 2, 12-22-98; Ordinance No. 1552-2010, Art. II, §9.1-6, 2-16-10

ARTICLE III. GENERAL PROVISIONS.

Section 9.1-7. Lands to Which this Ordinance Applies.

This Ordinance shall apply to all areas of special flood hazard within the jurisdiction of City of Laurel, Mississippi.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 3, §A, 12-22-98

Section 9.1-8. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the (New Countywide Digital Flood Insurance Rate Maps), whose effective date is September 29, 2010, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Ordinance.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 3 §B, 12-22-98; Ordinance No. 1564-2010, Art. III, § 9.1-8; 7-6-10; Ordinance No. 1566-2010, Art. III, § 9.1-8; 8-17-10

Section 9.1-8(a). Flood Insurance Rate Maps.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the Jones County Flood Insurance Study, dated September 29, 2010, with the accompanying Flood Insurance Rate Map(s) (FIRM) panel(s) number(s) are as follows: #28067CO-180E; #28067CO-181E; #28067CO-182E; #28067CO-183E; #28067CO-184E; #28067CO-190E; #28067CO-191E; #28067CO-192E; #28067CO-201E; #28067CO-203E; and #28067CO-211E and other supporting data are adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file in the City Clerk’s office at City Hall and also in the Inspection Department for public review.

New Countywide Digital Flood Insurance Rate Maps are also applicable to

identify areas of special flood hazard properties by the Federal Emergency Management Agency.

Source: Ordinance No. 1552-2010, Art. III, § 9.1-8(a), 2-16-10; Ordinance No. 1564-2010, Art. III, § 9.1-8(a); 7-6-10; Ordinance No. 1566-2010, Art. III, § 9.1-8(a), 8-17-10

Section 9.1-8(b). Use of Preliminary Flood Hazard Data.

When Flood Insurance Studies and Preliminary Flood Insurance Rate Maps have been provided by FEMA:

1. Prior to the issuance of a Letter of Final Determination (LFD) by FEMA, the use of the preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in the effective flood hazard data provided by FEMA. Such preliminary data may be subject to revision through valid appeals.
2. Upon the issuance of a Letter of Final Determination (LFD) by FEMA, the revised flood hazard data shall be used and replace all previously effective flood hazard data provided by FEMA for the purpose of administering these regulations.

Where adopted regulatory standards conflict, the more stringent base flood elevation shall prevail. Preliminary FIS data may be subject to change by a valid appeal.

Source: Ordinance No. 1552-2010, Art. III, § 9.1-8(b), 2-16-10

Section 9.1-9. Establishment of Development Permit.

A Development Permit shall be required in conformance with the provisions of this Ordinance prior to the commencement of any development activities.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 3, §C, 12-22-98

Section 9.1-10. Compliance.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 3, §D, 12-22-98

Section 9.1-11. Abrogation and Greater Restrictions.

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and

another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 3, §E, 12-22-98

Section 9.1-12. Interpretation.

In the interpretation and application of this Ordinance 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 repeal any other powers granted under State Statutes.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art .III, §F, 12-22-98

Section 9.1-12(a). Standards for B, C, and X Zones (Shaded/Unshaded)

These areas are considered to be low to moderate risk flood zones and are located outside the community's delineated special flood hazard area and include the following:

1. Areas outside the one percent chance flood zone, but within the 0.2 percent chance flood zone, as determined by a detailed study;
2. Areas outside the 0.2 percent chance flood zone as determined by a detailed study; and;
3. Areas that have not yet been studied.

The community reserves the right to require further studies for any development within its jurisdiction, if there is evidence that a potential flood hazard exists. Studies can be used to designate community flood hazard areas. Such evidence may include but shall not be limited to:

1. Eyewitness reports of historic flooding or other reports of historic flooding deemed credible by the community;
2. Geologic features observed that resemble floodplains (such as flat areas along streams;
3. Proximity to manmade or natural constrictions such as road crossings that can cause backwater effects; and,
4. Drainage basin characteristics such as drainage area, slope, percent impervious cover, land use, etc.

Source: Ordinance No. 1552-2010, Art. III, § 9.1-12(a), 2-12-10

Section 9.1-12(b). Repetitive Loss Structures.

The community may declare any existing structure as a repetitive loss structure as required to qualify for increased cost of compliance (ICC) benefits allowed by a National Flood Insurance Program flood policy claim. To be declared

a repetitive loss structure, the following conditions must be met:

1. The structure must have a flood insurance policy that includes the increased cost of compliance coverage;
2. The structure must have been flooded twice during a ten-year period with each flood event causing damage for which the repair cost equaled or exceeded twenty-five percent (25%) of the market value of the structure; and,
3. The owner, or representative, shall request the declaration in writing and provide supporting documentation to show that the above requirements have been met.

Source: Ordinance No. 1552-2010, Art. III, § 9.1-12(b), 2-16-10

Section 9.1-13. Warning and Disclaimer of Liability.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Laurel, Mississippi, or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 3, §G, 12-22-98

Section 9.1-14. Penalties for Violation.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than one hundred eighty (180) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful actions as is necessary to prevent or remedy any violation.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 3, §H, 12-22-98

ARTICLE IV. ADMINISTRATION.

Section 9.1-15. Designation of Flood Damage Prevention Ordinance Administrator.

The City of Laurel hereby appoints the Building Inspector and/or his/her designee to administer and implement the provisions of this Ordinance and is herein referred to as the Floodplain Ordinance Administrator, the Floodplain Management Administrator and/or the administrator.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 4, §A, 12-22-98; Ordinance No. 1491-2007, 4-17-07

Section 9.1-16. Permit Procedures.

Application for a Development Permit shall be made to the Building Inspector and/or his/her designee on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Application Stage.
 - a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings, which will be submitted on a FEMA Form 81-31 (Elevation Certificate) by a state of Mississippi registered engineer or surveyor;
 - b) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
 - c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 5, Section B(2) of Section D(2);
 - d) Description of the extent to which any watercourse will be altered or relocated as result of proposed development,
 - e) No floodplain development permit can be issued to any mobile, modular, or permanently constructed residence, building or facility unless to owner, lessee, or developer obtains a Notice of Intent form the Mississippi State Health Department, pursuant to the MS Individual On-Site Wastewater Disposal System Law (2009), for a recommendation of a sewage system or Proof of Compliance from the property Sewer and Water District.

Source: Ordinance No. 1552-2010; Art. IV, § 9.1-16, 2-16-10

- (2) Construction Stage.

Upon placement of the lowest floor, or flood-proofing by whatever construction means. It shall be the duty of the permit holder to submit to the Building Inspector and/or his/her designee a

certification of the NGVD elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders risk. (The Building Inspector and/or his/her designee shall review the lowest floor & flood-proofing elevation survey data submitted.) The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 4, §B, 12-22-98; Ordinance No. 1491-2007. 4-17-07

Section 9.1-17. Duties and Responsibilities of the Building Inspector and/or his/her Designee.

Duties of the Inspector shall include, but not be limited to:

- (1) Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied;
- (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities, the State Floodplain Coordinator, and other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Article 4, Section B (2).
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Article 4, Section B (2).
- (7) Review certified plans and specifications for compliance.
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Inspector and/or his/her designee shall make the necessary interpretation. The person contesting the location of

- the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (9) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the Building Inspector and/or his/her designee shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5.
 - (10) Provide information, testimony, or other evidence, as needed during variance request hearings.
 - (11) Conduct the following actions when damage occurs to a building or buildings:
 - a. Determine whether damaged structures are located within the Special Flood Hazard Area;
 - b. Conduct damage assessments for those damaged structures located in the SFHA, and;
 - c. Make a reasonable attempt to notify owner(s) of damaged structure(s) of the requirements to obtain a building permit/floodplain permit prior to repair, rehabilitation, or reconstruction.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 4, §C, 12-22-98; Ordinance No. 1491-2007, 4-17-07; Ordinance No. 1552-2010, Art. III, § 9.1-17, 2-16-10

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION.

Section 9.1-18. General Standards.

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent 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 standard shall be in addition to and consistent with the applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Such facilities shall be located a minimum of one (1) foot above the Base Flood Elevation;
- (6) New and replacement water supply systems shall be designed to

- (7) minimize or eliminate infiltration of flood waters into the system; New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance shall meet the requirements of “new construction” as contained in this Ordinance; and,
- (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this Ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced;
- (11) All gas and liquid storage tanks that are principally above ground shall be anchored to prevent floatation and lateral movement;
- (12) When new construction and substantial improvements are located in multiple flood zones or in a flood zone with multiple base flood elevations, they shall meet the requirement for the more stringent flood zone and the highest base flood elevation;
- (13) New construction and substantial improvement of any building shall have the lowest floor (including basement) at least one foot above the centerline of the designated street, unless the topography of the property does not allow for strict adherence as determined by the Building Inspector and/or his/her designee;
- (14) New construction and substantial improvements built on fill shall be constructed on the properly designed and compacted fill that extends beyond the building walls before dropping below the base flood elevation, and shall have appropriate from erosion and scour.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 5, §A, 12-22-98; Ordinance No. 1552-2010; Art. V, § 9.1-18, 2-16-10

Section 9.1-19. Specific Standards.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Article 3, Section B, the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than .50 feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, Section B (3).

- (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than .50 feet above the level of the base flood elevation. Buildings located in all A-Zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the BFE (plus any community free board) elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section C (9).
- (3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevations shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one (1) foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and,
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (iv) Openings shall be at least three inches in diameter.
 - (v) Limited in use to parking of vehicles, storage, and building access; and,
 - (vi) Limited to 299 square feet.
 - b) Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator);
 - c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and,

- d) Property owners shall be required to execute a flood openings/affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will not violate the requirements of Article V (5).

Detached storage buildings, sheds, or other like accessory improvements, excluding detached garages, carports, and boat houses, shall solely be used for parking of vehicles and storage and will be allowed up to no more than 530 square feet of unfinished, non-partitioned and enclosed storage space. Such storage space shall not be used for human habitation and shall be limited to storage of items that can withstand exposure to the elements and have low flood damage potential. The storage space shall be constructed of flood resistant or breakaway materials, and equipment and service utilities, such as electrical outlets, shall be limited to essential lighting and other incidental uses, and must be elevated or flood-proofed. Flood openings in accordance with the standards of Article V (5) shall also be required. These accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

Accessory improvements and other appurtenant structures shall be firmly anchored to prevent flotation that may result in damage to other structures.

Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor or the detached accessory building shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area.

Source: Ordinance No. 1552-2010, Art. V, § 9.1-19, 2-16-10

(4) Standards for Manufactured Homes and Recreational Vehicles.

- a) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
- b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - (i) The lowest floor of the manufactured home is elevated no lower than .50 feet above the level of the base flood elevation, or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches

Section 9.1-20. Standards for Streams Without Established Base Flood Elevation and/or Floodways.

Located within the areas of special flood hazard established in Article 3, Section B, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Article 5. If data is not available from outside sources, then the following provisions (2 and 3) shall apply.
- (2) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to two (2) times the width of the stream at the top of the bank or twenty (20) feet each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (3) In Special Flood Hazard Areas without Base Flood Elevation Data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site.
- (4) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home park and subdivisions) greater of 50 lots or five (5) acres, whichever is lesser, include within such proposals base flood elevation data.
- (5) When base flood elevation data and floodway data are not available are not available in accordance with Article III (3), in Special Flood Hazard Areas and Community Flood Hazard Areas without base flood elevation data, new construction and substantial improvements shall be elevated or flood-proofed to elevations established by the community. The elevated building standards of Article V (5) shall apply.
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (7) Require that all manufactured homes be placed or installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or

lateral movement.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 5, §C, 12-22-98; Ordinance No. 1552-2010, Art. V, § 9.1-20, 2-16-10

Section 9.1-21. Standards for Subdivision Proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivision) which is greater than the less of fifty (50) lots or five (5) acres.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 5, §D, 12-22-98

Section 9.1-22. Critical Facility.

Construction of new and substantially improved critical facilities shall be located outside the limits of the special flood hazard area (SFHA) (one percent chance floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above the base flood elevation at the site (or to the 0.2 percent chance flood elevation whichever is greater). Flood-proofing and sealing measures must be implemented to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities to the extent possible. Critical facilities must not only be protected to the 0.2 percent chance flood, but must remain operable during such an event.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 5, §E, 12-22-98; Ordinance No. 1552-2010, Art. V, § 9.1-22, 2-16-10

ARTICLE VI. VARIANCE PROCEDURES.

Section 9.1-23. Designation of Variance and Appeals Board.

The Build Board of Adjustments and Appeals as established by the Laurel City Council shall hear and decide appeals and requests for variances from requirements of this Ordinance.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 6, §A, 12-22-98

Section 9.1-24. Duties of Variance and Appeals Board.

The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Building Inspector and/or his/her designee in the enforcement or administration of this Ordinance. Any person aggrieved by the decision of the Board may appeal such decision to the Chancery Court, as provided in State Law.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 6, §B, 12-22-98; Ordinance No. 1491-2007, 4-17-07

Section 9.1-25. Variance Procedures.

In passing upon such applications, the Building Board of Adjustments and Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and:

- (1) The danger that materials may be swept into other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
- (12) The evaluation must be based on the characteristics unique to that property and not be shared by adjacent parcels. The characteristics must pertain to the land itself, not to the structure, its inhabitants, or its owners;
- (13) Variances should never be granted to multiple lots, phased of subdivisions, or entire subdivisions;
- (14) Upon consideration of factors listed above, and the purpose of the ordinance, the Building Board of Adjustments and Appeals may

- attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance; and,
- (15) Variances shall not be issued within any designated floodway if any increase flood levels during the base flood discharge would result.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 6, §C, 12-22-98; Ordinance No. 1552-2010, Art. VI, § 9.1-25, 2-16-10

Section 9.1-26. Conditions for Variances.

- (1) Variances shall only be issued when there is:
 - a) A showing of good and sufficient cause;
 - b) A determination that failure to grant the variance would result in exceptional hardship; and,
 - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazards, to afford relief; and in the instance of an “historic structure,” a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (See Article 6, Section E)
- (4) The Building Inspector and/or his/her designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency or Mississippi Emergency Management Agency upon request. (See Section E)
- (5) Upon consideration of the factors listed in Section 9.1-27 and the purposes of this ordinance, the Building Board of Adjustments and Appeals may attach such conditions to granting of variances as it deems necessary to further the purposes of this ordinance.
- (6) Variances shall not be issued “after the fact”.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 6, §D, 12-22-98; Ordinance No. 1491-2007, 4-17-07; Ordinance No. 1552-2010, Art. VI, § 9.1-27, 2-16-10

Section 9.1-27. Variance Notification.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood

- insurance up to amounts as high as Twenty-five Dollars (\$25.00) for One Hundred Dollars (\$100.00) of insurance coverage, and;
- (2) Such construction below the base flood level increases risks to life and property.

The Building Inspector and/or his/her designee will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 6, §E, 12-22-98; Ordinance No. 1491-2007, 4-17-07

Section 9.1-28. Historic Structures.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 6, §F, 12-22-98

Section 9.1-29. Special Conditions.

Upon consideration of the factors listed in Article 6, and the purposes of this Ordinance, the Building Board of Adjustments and Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 6, §G, 12-22-98

Section 9.1-30. No-Impact Certification Within the Floodway.

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

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 6, §H, 12-22-98

ARTICLE VII. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

If any section or provision of this Ordinance is declared unenforceable or unconstitutional by a Court of competent jurisdiction, then the remaining sections of provisions shall continue in full force and effect.

CODE

This Ordinance shall take effect from and after thirty (30) days from the date of passage.

Source: Ordinance No. 1328-1998, Ch. 9.1, Art. 7, 12-22-98; Ordinance No. 1552-2010, 2-16-10

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