

CHAPTER 31

ZONING

ARTICLE IX - FLOOD DAMAGE PREVENTION PROVISIONS

SECTION 31-9-1 FINDINGS OF FACT

- (a) The flood hazard areas of the Town of Glenrock are subject to periodic inundation which may result 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.
- (b) these flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities; and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

SECTION 31-9-2 STATEMENT OF INTENT

- (a) The Special Flood Hazard Zone is to be superimposed over existing zones. It is not intended to modify the uses permitted in the underlying zone, but it is intended 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:
 - (i) To protect human life and health;
 - (ii) To minimize expenditure of public money for flood control projects;
 - (iii) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (iv) To minimize prolonged business interruptions;
 - (v) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
 - (vi) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

- (vii) To insure that potential buyers are notified that property is in an area of special flood hazard; and
- (viii) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 31-9-3 METHODS OF REDUCING FLOOD LOSSES

- (a) In order to accomplish its purposes, this ordinance includes methods and provisions for:
 - (i) 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;
 - (ii) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (iii) Controlling the alteration of natural flood plains, stream channels and natural protective barriers which accommodate or channel floodwaters;
 - (iv) Controlling filling, grading, dredging and other development which may increase flood damage; and
 - (v) Preventing or regulating the construction of flood barriers, which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

SECTION 31-9-4 FLOOD INSURANCE RATE MAP (FIRM) AND SPECIAL FLOOD HAZARD DISTRICT

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance rate map (FIRM) dated November 15, 1985, with subsequent revisions, is adopted by reference and declared to be part of this ordinance. On the official zoning map for the town, the area identified as the Special Flood Hazard Zone will be designated by its underlying zone name plus the preface "SFH".

SECTION 31-9-5 ESTABLISHMENT OF DEVELOPMENT PERMIT

- (a) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 31-9-4 above. Application for a development permit shall be made on forms furnished by the town and

may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage or materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (i) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- (ii) Elevation in relation to mean sea level to which any structure has been flood-proofed;
- (iii) Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria set forth in this chapter;
- (iv) Description of the extent, if any, to which any watercourse will be altered or relocated as a result of the proposed development.

SECTION 31-9-6 DESIGNATION OF THE ZONING OFFICER

The Zoning Officer is hereby appointed to administer and implement the requirements of this chapter by granting or denying development permit applications in accordance with its provisions.

SECTION 31-9-7 ADMINISTRATION OF THE PROVISIONS

- (a) The duties of the Zoning Officer in the administration of this chapter shall include, but not be limited to:
 - (i) Development Permit Review:
 - (A) Review all development permits to determine that the permit requirements of this ordinance have been satisfied;
 - (B) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
 - (C) Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For the purposes of this ordinance, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and adjacent to overbank areas.
 - (ii) Use of other base flood data:

- (A) When base flood elevation data has not been provided in accordance with this Code, the Zoning Officer 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 this Code, Specific Standards for Flood Hazard Reduction.
- (iii) Information to be obtained and maintained:
 - (A) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
 - (B) For all new or substantially improved flood-proofed structures:
 - (I) Obtain and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed;
 - (II) Maintain the flood-proofing certifications required in this article;
 - (III) ~~Maintain for public inspection all records pertaining to the provisions of this chapter.~~
- (iv) Alteration of Watercourses:
 - (A) Notify adjacent communities and the Wyoming Emergency Management Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
 - (B) Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (v) Interpretation of FIRM Boundaries:
 - (A) Make interpretations where needed as to exact location of the boundaries of the areas of special flood hazard.

SECTION 31-9-8 GENERAL STANDARDS FOR FLOOD HAZARDS REDUCTION

- (a) In all areas of special flood hazard, the following standards are required:
 - (i) Anchoring:

- (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (B) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be provided that:
 - (I) Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations along the sides. Manufactured homes, less than fifty (50) feet long, will require only one (1) additional tie per side;
 - (II) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points along the sides of the structures. Manufactured homes, less than fifty (50) feet long, will require only four (4) additional ties per side;
 - (III) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - (IV) Any additions to the manufactured home be similarly anchored.

(ii) Construction Materials and Methods:

- (A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;
- (C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(iii) Utilities:

- (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (B) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into floodwaters;
- (C) On-site waste disposal systems shall be located to avoid impairment to

them or contamination from them during flooding.

- (iv) Subdivision Proposals:
 - (A) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - (C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
 - (D) Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less.
- (v) Encroachments:
 - (A) Encroachments, including fill, new construction, substantial improvements and other development, shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

SECTION 31-9-9 SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION

- (a) In all areas of special flood hazard where base flood elevation data has been provided, the following standards are required:
 - (i) Residential Construction . New construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to or above base flood elevation;
 - (ii) Nonresidential Construction . New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including the basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:
 - (A) Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - (B) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

- (C) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in this chapter.

SECTION 31-9-10 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 considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter 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 damage. This chapter shall not create liability on the part of the Town of Glenrock, any officer or employee thereof or the Federal Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

SECTION 31-9-11 DEFINITIONS

- (a) 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:
- (i) AREAS OF SPECIAL FLOOD HAZARD means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year;
 - (ii) BASE FLOOD means the flood having a one percent (1%) chance of being equaled or exceeded in any given year;
 - (iii) 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, excavation or drilling operations located within the area of special flood hazard;
 - (iv) 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; and/or
 - (B) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (v) FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated areas of special flood hazard designated as Zone A.

- (vi) 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. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.
- (vii) STRUCTURE means a walled and roofed building or manufactured home that is principally above ground;
- (viii) SUBSTANTIAL IMPROVEMENT means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
 - (A) before the improvement or repair is started; or
 - (B) if the structure has been damaged and is being restored before the damage occurred. For the purpose 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 dimension of the structure;

The term does not, however, include either:

- (A) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (B) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.