

ARTICLE 6. OVERLAY DISTRICT REGULATIONS

DIVISION 6-100 OVERLAY DISTRICTS IN GENERAL

Overlay districts are zoning districts which are superimposed over all other zoning districts and impose additional requirements above those required by the underlying zone. Overlay districts shall be regarded as supplementary to the regulations of any underlying zoning district. Whenever the regulations of the overlay district and any other zoning district conflict, the more restrictive provisions shall apply.

DIVISION 6-200 FLOODPLAIN OVERLAY DISTRICT

SECTION 6-205 FINDINGS OF FACT, PURPOSE AND OBJECTIVES

A. Findings of Fact:

1. The flood hazard areas of Park County 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 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.

B. Statement of Purpose: It is the purpose of these regulations to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

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 areas of special flood hazard;

6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard;
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
9. To qualify Park County for the National Flood Insurance Program.

C. Methods of Reducing Flood Losses: In order to accomplish its purposes, these regulations include 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 which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

SECTION 6-210 GENERAL PROVISIONS

- A. Lands to Which These Regulations Apply:** These regulations apply to all areas of special flood hazard within the jurisdiction of Park County.
- B. Basis for Establishing the Areas of Special Flood Hazard:** The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Hazard Boundary Map (FHBM) dated April 25, 1978, as revised, is adopted by reference and declared to be a part of these regulations. The FHBM is on file at the Park County Planning and Zoning Department, 1002 Sheridan Ave., Cody, WY.
- C. Compliance:** No structure shall hereafter be constructed, located, or extended, and no land or structure altered without full compliance with the terms of these and other applicable regulations.
- D. Abrogation and Greater Restrictions:** These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and another

regulation, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation: In the interpretation of these regulations, all provisions shall be: considered as minimum requirements; liberally construed in favor of the governing body; and deemed neither to limit nor repeal any other powers granted under state statute.

F. Warning and Disclaimer of Liability: The degree of flood protection required by these regulations 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. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas of special flood hazards will be free from flooding or flood damages. These regulations shall not create liability on the part of Park County, any officer, employee or officials thereof, the Wyoming Emergency Management Agency, or the Federal Emergency Management Agency for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

SECTION 6-215 ADMINISTRATION

A. Development Permit: A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Subsection 6-210-B, Basis for Establishing the Areas of Special Flood Hazard. Application for a development permit shall be made on forms furnished by the Planning Coordinator 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 of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been flood-proofed;
3. Certification by a registered professional engineer that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Paragraph 2 of Subsection 6-220-B, Specific Standards; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

- B. Designation of the Local Administrator:** The Planning Coordinator is hereby appointed to administer and implement these regulations by granting or denying development permit applications in accordance with its provisions.
- C. Duties and Responsibilities of the Local Administrator:** Duties of the Planning Coordinator shall include, but not be limited to:
1. Permit review:
 - a. Review all development permits to determine that the permit requirements of these regulations have been satisfied.
 - b. Review all development permits to determine that 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 these regulations, adversely affects means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent over-bank areas.
 - (1) If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.
 - (2) If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer's certification) for the proposed development shall be required.
 - (3) If the proposed development is a building, then the provisions of these regulations shall apply.
 2. Use of other base flood data: When base flood elevation data has not been provided in accordance with Subsection 6-210-B, Basis for Establishing the Areas of Special Flood Hazard, the Planning Coordinator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring that new construction, substantial improvement, or other development in Zone A is administered in accordance with Subsection 6-220-B, Specific Standards.
 3. 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: verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed; and maintain the flood-proofing certifications required in Paragraph 3 of Subsection 6-215-A, Development Permit.
 4. 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 is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
5. Interpretation of FHBM boundaries: Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

SECTION 6-220 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards: In all areas of special flood hazard, the following standards are required:

1. Anchoring:
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting hydrostatic and hydrodynamic loads.
 - b. All manufactured homes and mobile homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. This requirement is in addition to applicable State and local anchorage requirements for resisting wind forces. Methods of anchoring can include the following or equivalent methods:
 - (1) Over-the-top ties provided at each of the four corners of the manufactured or mobile home, with two additional ties per side at intermediate locations, with manufactured or mobile homes less than 50 feet long requiring only one additional tie per side;
 - (2) Frame ties provided at each corner of the home with five additional ties per side at intermediate points, with manufactured or mobile homes less than 50 feet long requiring only four additional ties per side;
 - (3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
 - (4) Any additions to the manufactured or mobile home shall be similarly anchored.
2. 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.
3. 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 sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters; and
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. 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; and
 - d. Base flood elevation data shall be provided for subdivision proposals and other proposed development containing at least 50 lots or 5 acres (whichever is less).
5. Encroachments: Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. Specific Standards:** In all areas of special flood hazard where base flood elevation data has been provided as set forth in Paragraph 2 of Subsection 6-215-C, Duties and Responsibilities of the Local Administrator, the following standards are required:
1. Residential construction: New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

2. Nonresidential construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be flood-proofed so the structure is watertight below the base flood elevation with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Paragraph. Such certifications shall be provided to the Planning Coordinator as set forth in Paragraph 3 of Subsection 6-215-C, Duties and Responsibilities of the Local Administrator.

SECTION 6-225 DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted to give them the meaning they have in common usage and to give these regulations their most reasonable application. The following definitions are specific to this Division:

Area of Special Flood Hazard: The land in the floodplain within Park County subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Park County flood hazard boundary maps.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. Equivalent to 100-year flood.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.

Flood or Flooding: A general or temporary condition of partial or complete inundation of normally dry land from the overflow of inland or tidal waters, the unusual and rapid accumulation or runoff of surface waters from any source, or mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground; or 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 the anticipated cyclical levels, or suddenly caused by an unusually high water level in a natural body of water accompanied by a severe 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 results in flooding.

Flood Elevation Information: The elevation in relation to sea level and depth of flooding which is determined for specific locations in the floodplain.

Flood Hazard Boundary Map (FHBM): An official map issued by the Federal Emergency Management Agency where the boundaries of the flood, mudslide (i.e., mudflow), and related erosion areas having special hazards have been designated for Park County.

Floodplain: Land area subject to inundation as a result of the base flood. The physical location of the floodplain on flood hazard maps is representative of existing ground conditions and may be based, among other things, on historical flood records or other readily available data. Equivalent to flood prone area and 100-year floodplain.

Flood Prone Area: Same as floodplain.

Flood Proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, utilities, and structures and their contents.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement) of a structure. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable flood proofing and design requirements of these regulations.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by Park County (August 15, 1989), including any subsequent improvements to such structures.

Substantial Improvements: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or 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. The term does not, however, include either 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 any alteration of a structure listed on the National Register of Historic Places.