

ORDINANCE NO. 90- 01

AN ORDINANCE AMENDING AND UPDATING VARIOUS SECTIONS WITHIN CHAPTER 13 OF ORDINANCES OF THE CITY OF ROCK SPRINGS.

WHEREAS, the City of Rock Springs participates in the National Flood Insurance Program which is administered by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the City of Rock Springs has adopted, by ordinance, floodplain regulations which are mandated by FEMA; and

WHEREAS, FEMA has recently amended certain mandatory floodplain regulations; and

WHEREAS, FEMA has notified the City of Rock Springs of amendments which must be made to the City's floodplain regulations; and

WHEREAS, after notice given in the manner and for the time required by law, the Planning and Zoning Commission of the City of Rock Springs, Wyoming, held a public hearing on February 14, 1990, on the required amendments; and

WHEREAS, the Planning and Zoning Commission of the City of Rock Springs, Wyoming, passed a resolution recommending that said amendments be accepted and approved; and

WHEREAS, notice of hearing before the governing body of the City of Rock Springs, Wyoming, has been given as required by law, and the governing body of the City of Rock Springs, Wyoming, has determined that said amendments should be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROCK SPRINGS, STATE OF WYOMING:

Section 1. That Section 13 of the Ordinances of the City of Rock Springs be amended as follows:

1. Amend Article VI, Definitions, Section 13-601, as follows:
 - a. Amend the definition for "Manufactured home" to read as follows:

Manufactured home: 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 attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

- b. Add the new definition, "New manufactured home park or subdivision," to read as follows:

New manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

- c. Amend the definition, "start of construction," to read as follows:

Start of Construction: includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets 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 structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- d. Amend the definition "Substantial improvement" to read as follows:

Substantial improvement: any reconstruction, rehabilitation, addition, or other improvement 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 "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
2. Amend Article VIII, Zone District Regulations, Section 13-813 as follows:
- a. In Section 13-813.1, Definitions, amend the definition for "Existing manufactured home park or subdivision," to read as follows:
Existing manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
 - b. In Section 13-813.1, Definitions, amend the definition for "Expansion to an existing manufactured home park or subdivision," to read as follows:
Expansion to an existing manufactured home park or subdivision: 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).
- c. In Section 13-813.1, Definitions, place the following new definition in the proper alphabetical order:
New manufactured home park or subdivision:
See Section 13-601.
- d. In Section 13-813.1, Definitions, place the following new definition in the proper alphabetical order:
Recreational vehicle: a vehicle which is:
1. built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. designed to be self-propelled or permanently towable by a light duty truck; and
 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping travel, or seasonal use.
- e. In Section 13-813.1, Definitions, amend the definition for "New Construction" to read as follows:
New Construction: for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- f. In Section 13-813.1, Definitions, add the following new definition in the proper alphabetical order:
Substantial damage: 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.
- g. Amend Section 13-813.4.B.(3)(b) to read as follows:

- (b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.
- h. Amend Section 13-813.4.B.(2) by adding new paragraphs (d) and (e) to read as follows:
 - (d) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of Section 13-813.B.(3)(b) be elevated so that either (i) the lowest floor of the manufactured home is at or above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - (e) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days; (ii) meet the permit requirements of Section 13-813.A. and the elevation and anchoring requirements for "manufactured homes" in Section 13-813.4.B.(3)(b) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only

by quick disconnect type utilities and security devices, and has no permanently attached additions.

- i. Amend Section 13-813.4.B.(2), by deleting existing sub-section (a) and replacing with the following sub-section (a):

- (a) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- j. Amend Section 13-813.3.D.(2)(b) to read as follows:

- (b) 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 a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.