

## APPENDIX – ZONING.

### FLOODWAY AND FLOODWAY FRINGE DISTRICTS.

(Ordinance 895 – 4/78 is amended by replacing the terms “Mobile Home”, “Federal Insurance Administration”, and “Habitable Floor” wherever said terms may appear in said ordinance by the terms “Manufactured Home”, “Federal Emergency Management Agency”, and “Lowest Floor”, respectively.

(Ord. 1082, § 1, 11/89)

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#### SEC. 1-1. AUTHORIZATION.

The Legislation of the State of Wyoming has in Wyoming Statutes § 15-1-601 to 15-1-611, 1977, as amended, 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 Mayor and City Council of the City of Buffalo, Wyoming do hereby ordain as follows:

#### SEC. 1-2. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to minimize public and private losses due to flood conditions in specific areas by 1) protecting human life and health; 2) minimizing public money for costly flood control projects; 3) minimizing damage to public facilities and utilities; 4) insuring that potential buyers are notified that property is in the areas of special flood will be eligible to buy flood insurance; and 5) providing for the use and development of areas of special flood hazard so as to minimize future flood blight areas.

### **SEC. 1-3. METHODS OF REDUCING LOSSES.**

In order to accomplish its purpose, this ordinance includes methods and provisions for 1) restricting and prohibiting uses which are due to water erosion hazards; 2) provide that uses vulnerable to floods be protected against damage at the time of initial construction; 3) control the alteration of natural flood plains and protective barriers which channel flood waters; 4) controlling filling, grading, and dredging which may increase flood damage; and 5) prevent or regulate construction of flood barriers which will divert flood waters or increase flood hazards in other areas.

### **SEC. 2. DEFINITIONS.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. For the purpose of this ordinance only, the following definitions shall apply:

Actuarial Rates: Those established rates pursuant to community study and investigation which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014.

Area of Special Flood Hazard: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Channel: A watercourse with a definite bed and banks to confine and conduct continuously or periodically flowing water.

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.

Existing Manufactured Home Park or Subdivision: Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the City. (Ord. 1083, 3/90)

Expansion to an Existing Manufactured Home Park or Subdivision: 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). (Ord. 1083, 3/90)

Flood: A temporary rise in stream flow that results in water overlapping its banks and inundating areas adjacent to the channel. An unusual and rapid accumulation of runoff from any source.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community,

Flood Insurance Study: The official report provided by the Federal Insurance Administration that included flood profiles, the Flood Hazard Boundary – Floodway Map, and the water surface elevation of the base flood.

Flood Plain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage.

Flood Proofing: Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazards”. These specialized modifying works are those constructed in conformance with sound federal engineering standards.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). 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, providing that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. (Ord. 1082, § 4, 11/89)

Manufactured Home: 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 attached to the require utilities. The term “manufactured home” does not include a “recreational vehicle”. (Ord. 1083, 3/90)

New Construction: Those structures where new construction or substantial improvements which is begun on or after the effective date of this ordinance.

New Manufactured Home Park or Subdivision: New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City. (Ord. 1083, 3/90)

Recreational Vehicle: Recreational vehicle means a vehicle which is 1) built on a single chassis; 2) 400 square feet or less when measured at the largest horizontal projections; 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. (Ord. 1083, 3/90)

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, replacement, 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 state of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include grading and filling; nor does it include the installation of streets and / or walkways; nor does it include the 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. (Ord. 1082, § 6, 11/89)

Structure: A walled or roofed structure including a gas or liquid storage tank, that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes, and other similar uses.

Substantial Damage: 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. (Ord. 1083, 3/90)

Substantial Improvement: Substantial improvement means 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 structure is continued to be designated as a “historic structure”. (Ord. 1083, 3/90)

Variance: A grant of relief by a community from the terms of a flood plain management regulation.

### **SEC. 3. GENERAL PROVISIONS.**

This ordinance shall apply to all areas of special flood hazards as identified by the Federal Insurance Administration for the City of Buffalo, Wyoming.

**SEC. 3-2. BASIS FOR ESTABLISHING FLOOD HAZARD AREA.** The areas of special flood hazard are identified by the Federal Insurance Administration in a report entitled “Flood Insurance Study” for the Town of Buffalo, Wyoming dated March 1977, with accompanying Flood Insurance Rate Maps which is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the City of Buffalo City Hall.

**SEC. 3-3. COMPLIANCE.** No structure shall be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Where this ordinance conflicts with other regulation, whichever imposes the more stringent restrictions shall prevail.

**SEC. 3-4. DISCLAIMER OF LIABILITY.** This ordinance shall not create liability on the part of the City of Buffalo, Wyoming, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result and reliance has been made on this ordinance or any administrative decision lawfully made thereunder.

#### **SEC. 4. ADMINISTRATION.**

**SEC. 4-1. PERMIT REQUIREMENTS.** A permit shall be obtained for all proposed construction and other developments including the placement of mobile homes, within Zone A on the communities FIRM (Flood Hazard Boundary Map). Application for a permit shall be made on forms furnished by the City of Buffalo Building Inspector.

**SEC. 4-2. DESIGNATION OF OFFICERS.** The City of Buffalo Building Inspector is hereby appointed to administer and implement this ordinance by granting or denying permit application in accordance with its provisions.

**SEC. 4-3. DUTIES AND RESPONSIBILITIES.** The duties of the Building Inspector shall include, but not be limited to the following:

1) When base flood elevation data has not been provided in accordance with Section 3-2, the City of Buffalo Building Inspector 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 improvements, or other development in Zone A meets the requirements of Sections 5 and 6 of this ordinance. (Ord. 1082, § 7, 11/89)

2) Obtain and record the actual elevations (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not such structure contains a basement; if structure has been flood proofed; obtain elevation (in relation to mean sea level) to which the structure was flood proofed; and maintain a record of all such information.

3) Notify adjacent communities and the State Coordinating Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. Require the maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, the person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6.

#### **SEC. 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.**

In all areas of special flood hazards the following standards are required:

**SEC. 5-2. CONSTRUCTION MATERIALS.** All new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall be 1) Constructed with materials and utility equipment resistant to flood damage; 2) methods and practices shall be used that minimize flood damage; and 3) be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of structure.

**SEC. 5-3. UTILITIES.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. New and replacement sanitary sewage systems shall minimize or eliminate

infiltration of floodwaters into the systems and discharge from the systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Electrical, heating, ventilation, plumbing and 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. (Ord. 1082, § 8, 11/89)

**SEC. 5-4. SUBDIVISION PROPOSALS.** All subdivision proposals shall 1) be consistent with the need to minimize flood damage within the flood prone area; 2) have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; 3) 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 which contain at least 50 lots or 5 acres, whichever is less.

**SEC. 5-5. MANUFACTURED HOME PLACEMENT.** All Manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 6-4-1. (Ord. 1082, § 9, 11/89)

**SEC. 6. SPECIFIC STANDARDS.**

In all areas of special flood hazards where base flood elevation data has been provided the following provisions are required:

**SEC. 6-2. RESIDENTIAL CONSTRUCTION.** Construction and substantial improvement of any residential structure within Zone A-3 on the FIRM (Flood Insurance Rate Map) shall have the lowest floor, including basement, elevated to or above base flood elevation.

**SEC. 6-3. NONRESIDENTIAL CONSTRUCTION.** New construction and substantial improvement of any commercial industrial or other non-residential structure within Zone A-3 on the FIRM 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 1) be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and 2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

**SEC. 6-4. MANUFACTURED HOMES.**

1) All manufacture homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

i) Over-the-top ties be provided by each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;

ii) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;

iii) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and;

iv) Any additions to the manufactured home be similarly anchored. (Ord. 1082, § 10, 11/89)

2) All mobile homes to be placed within Zone A-3, new mobile home parks and mobile home sub-divisions; and

for expansion to existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction or improvement has commenced; require that; 1) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level; 2) surface drainage and access for a hauler are provided; 3) in the instance of elevation of pilings that lots are large enough to permit steps, piling foundations are placed on stable soil no more than ten feet apart, and reinforcement is provided for pilings more than six feet above the ground level.

3) For mobile home parks and mobile home subdivisions located within Zone A-3 on the communities FIRM, require that an evacuation plan indicating alternate vehicular access and escape routes to be filed with appropriate disaster preparedness authorities.

4) No mobile home shall be placed in a floodway, except in any existing mobile home park or existing mobile home subdivision. The floodway is defined on the Flood Hazard Boundary Map marked Exhibit 2.

**SEC. 6-5. FLOODWAYS.** Since the floodway is a hazardous area the following provisions apply: 1) prohibit encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway that would result in any increase in the flood levels within the community during the occurrence of the base flood discharge; 2) all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions.

**SEC. 6-6. FLOODPROOFING.** Where floodproofing is utilized for a particular structure 1) a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths pressures, velocities, impact and uplift forces associated with the base flood, and a record of such certificates indicating specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the City; or, a certified copy of a local regulation containing detailed floodproofing specifications which satisfy the watertight performance standards shall be submitted to the FIA for approval.

**SEC. 6-7.** Manufactured homes that are placed or substantially improved within Zones A1-30, AH and AD on the City's FIRM on sites 1) outside of a manufactured home park or subdivision, 2) in a new manufactured home park or subdivision, 3) in an expansion to an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood shall 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. (Ord. 1083, 3/90)

**SEC. 6-8.** 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 City's FIRM that are not subject to the provision of Section 6-7 shall be elevated so that either 1) the lowest floor of the manufactured home is at or above the base flood elevation, or 2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. (Ord. 1083, 3/90)

**SEC. 6-9.** For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total new area of not less than one square inch for every square foot of enclosed 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. (Ord. 1083, 3/90)

## **SEC. 7. VARIANCE PROCEDURE.**

**SEC. 7-1. APPEAL BOARD.** The City of Buffalo Planning and Zoning Commission is hereby established as the Appeal Board to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of this ordinance; and 2) to authorize upon appeal in specific cases such variances from the terms of this ordinance. Appeals to the board may be taken by any person aggrieved by the decision of the Building Inspector. Such appeal shall be taken within a reasonable time as provided by the rules of the Appeal Board by filing with the Board a notice of appeal specifying the grounds thereof. The Building Inspector will transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board shall fix a reasonable time for the hearing of the appeal, giving notice to parties in interest, and decide same within a reasonable time. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in this ordinance.

Any person aggrieved by the decision of the Appeal Board may appeal such decision to a court of record.

**SEC. 7-2. CONDITIONS FOR VARIANCE.** Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

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

Variances may be issued if the structure is to be erected on a lot of one half acre or less in size and such lot is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood protection elevation.

Variances shall only be issued upon 1) showing of good and sufficient cause; 2) determination that failure to grant the variance would result in exceptional hardship to the applicant; and 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or conflict with existing local laws or ordinances. The community will notify the applicant that the issuance of a variance to locate a structure at an elevation below the 100 year flood level will result in increased actuarial rates for flood insurance coverage.

## **SEC. 8. AMENDMENTS.**

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided that no such action may be taken until after a public hearing has been held. Notice of the time and place of such hearing shall be published in a newspaper of general circulation within the area at least 15 days prior to said hearing.