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## CHAPTER 15.20: FLOODPLAIN MANAGEMENT

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### 15.20.000 GENERAL PROVISIONS <sup>1</sup>

#### 15.20.000.A Findings of Fact

1. The flood hazard areas of the City 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 hazards which increase flood heights and velocities and, when inadequately floodproofed, elevated or otherwise protected from flood damage, also contribute to the flood loss.

#### 15.20.000.B Purpose

It is the purpose of this Chapter 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:

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 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;
5. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
6. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.<sup>2</sup>

#### 15.20.000.C Methods of reducing flood losses

In order to accomplish its purposes, this Chapter 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

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<sup>1</sup> NOTE: The following is all new language, except as noted for subsections B and F below.

<sup>2</sup> NOTE: The following is taken from 17.44.010 of the current code.

protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural flood plains, 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 flood waters or may increase flood hazards in other areas.

## **15.20.010 DEFINITIONS**

### **15.20.010.A Terms**

Certain words and terms used herein are defined, for the purpose of this Chapter, as provided in this Section. Unless specifically defined in this Section, words or phrases used in this Chapter shall be interpreted so as to give them the meanings they have in common usage and to give its most reasonable application.

#### **1. Appeal**

“Appeal” means a request for a review of the department's interpretation of any provision of this Chapter or a request for a variance.

#### **2. Area of Shallow Flooding**

“Area of shallow flooding” means a designated A, AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet (1' - 3'); a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate and velocity flow may be evident.

#### **3. Area of Special Flood Hazard**

“Area 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.

#### **4. Backwater Effect**

“Backwater effect” means the rise in water surface elevation caused by some obstruction such as a narrow bridge opening, buildings or fill material that limits the area through which the water must flow.

#### **5. Base Flood**

“Base flood” means the flood having a one percent (1%) chance of being equal to or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters A or V.

#### **6. Base Flood Elevation**

“Base flood elevation” means the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplain of riverine areas.

#### **7. Breakaway Walls**

“Breakaway walls” means any type, whether solid or lattice and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material, which are not part of the structural support of the building and which are so designed as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

#### **8. Conditional Letter of Map Revision (CLOMR)**

“Conditional Letter of Map Revision (CLOMR)” means procedures by which contractors, developers and communities can request review and determination by the Federal Insurance Administrator of scientific and technical data for a proposed project, when complete and functioning effectively, would modify the elevation of individual structures and parcels of land, stream channels, and floodplains on the FIRM.

#### **9. Critical Structures**

“Critical structures” means any structure for which even a slight chance of flooding would reduce or eliminate its designed function of supporting a community in an emergency. Such structures include but are not limited to: fire stations, hospitals, municipal airports, police stations, communication antennas or towers, elderly care facilities, fuel storage facilities, schools designated as emergency shelters, fresh water and sewage treatment facilities.

#### **10. Designated Floodway**

“Designated Floodway” means the channel of a stream and the portion of the adjoining floodplain designated by a regulatory agency to be kept free of further development to provide for unobstructed passage of flood flows.

#### **11. Development**

“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.

#### **12. Encroachment**

“Encroachment” means for the purposes of flood management only, an encroachment is any physical object placed in the floodplain that hinders the passage of water or otherwise affects flood flows, such as fill, excavation, storage of equipment and materials or buildings.

#### **13. Flash Flood**

“Flash flood” means a flood that crests in a short length of time and is often characterized

by high velocity flows. It is often the result of heavy rainfall in a localized area.

#### **14. Flood or 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; and/or
- b. The unusual and rapid accumulation of runoff or surface waters from any source.

#### **15. Flood Area Boundary Map**

“Flood area boundary map” means the office map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

#### **16. Flood Control**

“Flood control” means keeping flood waters away from specific developments or populated areas by the construction of flood storage reservoirs, channel alterations, dikes and levees, bypass channels, or other engineering works.

#### **17. Flood Frequency**

“Flood frequency” means a statistical expression of the average time period between floods equaling or exceeding a given magnitude.

#### **18. Flood Insurance Rate Map (FIRM)**

“Flood Insurance Rate Map (FIRM)” means 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.

#### **19. Flood Insurance Study**

“Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map and the water surface elevation of the base flood.

#### **20. Floodplain Administrator**

“Floodplain administrator” means the community development director, or his designee, shall be the floodplain administrator responsible for implementation of this Chapter.

#### **21. Flood-related Erosion**

“Flood-related erosion” means a condition that exists in conjunction with a flooding event that alters the composition of the shoreline or bank of a watercourse; one that increases the possibility of loss due to the erosion of the land area adjacent to the shoreline or watercourse.

#### **22. Floodproofing**

“Floodproofing” shall mean any combination of structural and nonstructural additions,

changes or adjustments to nonresidential structures which reduce or eliminate flood damage to real estate or improved property.

**23. Floodway**

“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 (1').

**24. Flood Zones**

“Flood zones” means zones on the Flood Insurance Rate Map (FIRM) in which the risk premium insurance rates have been established by a Flood Insurance Study.

**25. Flood zones A1-30 & AE**

“Flood zones A1-30 & AE” means areas of special flood hazard with water surface elevations determined.

**26. Flood zone A**

“Flood zone A” means an area of special flood hazard without water surface elevations determined.

**27. Flood zone AO**

“Flood zone AO” means an area of special flood hazard having shallow water depths and or unpredictable flow paths between one and three feet.

**28. Flood zone A-99**

“Flood zone A-99” means an area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes.

**29. Flood zone AH**

“Flood zone AH” means an area of special flood hazard having shallow water depths and or unpredictable flow paths between one and three feet and with water surface elevations determined.

**30. Flood zones B & Shaded X**

“Flood zones B & Shaded X” means areas of moderate flood hazard; areas determined to be within the 500-year floodplain, or within the 100-year floodplain of depths of less than one foot.

**31. Flood zones C & Unshaded X**

“Flood zones C & Unshaded X” means areas of minimal hazard, outside the 100-year floodplain.

**32. Flood zone D**

“Flood zone D” means an area of undetermined but possible flood hazard.

**33. Flood zone E**

“Flood zone E” means an area of special flood-related erosion hazards.

**34. Flood zone M**

“Flood zone M” means an area of special mudslide or mudflow hazards.

**35. Hazard Mitigation Plan**

“Hazard mitigation plan” means a plan that incorporates a process whereby the potential of future loss due to flooding can be minimized by planning and implementing alternatives to flood plain development community wide.

**36. Highest Grade**

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

**37. Hydrodynamic Loads**

“Hydrodynamic loads” means forces imposed on structures by floodwaters due to the impact moving water on the upstream side of the structure, drag along its sides and eddies or negative pressures on its downstream side.

**38. Hydrology**

“Hydrology” means the science of the behavior of water in the atmosphere, on the earth's surface, and underground.

**39. Hydrostatic Loads**

“Hydrostatic Loads” means forces imposed on a flooded structure due to the weight of the water.

**40. Letter of Map Amendment (LOMA)**

“Letter of Map Amendment (LOMA)” means the procedure by which any owner or lessee of property who believes his property has been inadvertently included in a special flood hazard area can submit scientific and technical information to the Federal Insurance Administrator for review to remove the property from said area. The administrator will not consider a LOMA if the information submitted is based on alteration of topography or new hydrologic or hydraulic conditions since the effective date of the FIRM.

**41. Letter of Map Revision (LOMR)**

“Letter of Map Revision (LOMR)” means the procedures by which contractors, developers,

and communities can request changes to flood zones, floodplain and floodway delineations, flood elevations, and planimetric features based on the results of structural works, improvements, or annexations; resulting in additional flood hazard areas.

**42. Levee**

“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.

**43. Levee System**

“Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

**44. Lowest Floor**

“Lowest floor” means 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; provided, that such enclosure is not built so as to render the structure in violation of the applicable non elevation design requirements of this Chapter.

**45. Manufactured Home**

“Manufactured home” means for purposes of floodplain management, a manufactured home shall mean 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. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

**46. Sand Dunes**

“Sand dunes” means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**47. Special Flood Hazard Area**

“Special flood hazard area” means an area having special flood, mudslide, or flood-related erosion hazards, and shown on an FHBM or FIRM as zones A, AO, AI - A30, AE, A99, AH, E, or M.

**48. Water Surface Elevation**

“Water source 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.

#### **49. Watercourse**

“Watercourse” means a lake, river, creek, stream, wash, arroyo, 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.

### **15.20.020 INTERPRETATION, APPLICATION AND COMPLIANCE**

#### **15.20.020.A Applicability**

This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.

#### **15.20.020.B Interpretation**

In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the City; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

#### **15.20.020.C Intention**

This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **15.20.020.D Structure Alteration –Compliance Required**

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

### **15.20.030 BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD; INFORMATION MAINTAINED.**

#### **15.20.030.A Flood insurance study and maps**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “Flood Insurance Study, City of Laramie, Wyoming, Albany County,” dated October 16, 1996, with accompanying flood insurance rate map and flood hazard boundary-floodway maps is adopted by reference and declared to be a part of this chapter. The flood insurance study and referenced maps are on file in the office of the city clerk. Interpretations, where needed, as to 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) shall be made by the floodplain administrator. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.20.100 of this Chapter.

#### **15.20.030.B Use of other base flood data**

When base flood elevation data has not been provided in accordance with 15.20.030.A, the city

engineer 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 Chapter.

**15.20.030.C Information obtained and maintained**

1. Where base flood elevation data is provided through the Flood Insurance Study or required as in 15.20.030.B, 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 shall be obtained and recorded.
2. **For all new or substantially improved floodproofed structures**
  - a. The actual elevation (in relation to mean sea level) shall be verified and recorded; and
  - b. The floodproofing certifications required by this Chapter shall be maintained.
3. All records pertaining to the provisions of this Chapter shall be maintained for public inspection.

**15.20.040 DEVELOPMENT PERMIT**

**15.20.040.A Permit required**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.20.030 of this Chapter. The permit shall be for all structures, including manufactured homes as set forth in Section 15.20.010 of this Chapter, and for all development, including fill and other activities, also as set forth in Section 15.20.010.

**15.20.040.B Application for permit**

Application for a development permit shall be made on forms furnished by the City 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 and 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 floodproofed.
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.20.080 of this Chapter.
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

**15.20.040.C Permit Review and Approval**

The community development director is appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions. Duties

and responsibilities of the community development director shall include, but not be limited to:

1. Review all development permits to determine that the permit requirements of this Chapter have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or other governmental agencies from which prior approval is required.
3. Review all permits to determine that the site is reasonably safe from flooding.
4. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this Chapter, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated developments, will not increase the water surface elevation of the base flood more than one foot (P) at any point.

### **15.20.050 ALTERATION OF WATERCOURSES**

#### **15.20.050.A Notification**

All applicable local, state and federal agencies shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be submitted to the Federal Emergency Management Agency.

#### **15.20.050.B Flood Carrying Capacity**

Require that the flood carrying capacity of the altered or relocated portion of said watercourse equals or exceeds the capacity of the watercourse before it was altered or relocated.

#### **15.20.050.C Maintenance**

Maintenance provided within the altered or relocated portion of said watercourse shall be required so that the flood carrying capacity is not diminished.

### **15.20.060 MAINTENANCE OF FLOOD PROTECTION MEASURES**

#### **15.20.060.A Flood Protection**

**15.20.060.B** The maintenance of any public flood protection measures (levees, dikes, dams or reservoirs) will be the responsibility of the City. If these measures are privately owned, an operation or maintenance plan will be required of the owner to be on file with the community development department.

## **15.20.070 HAZARD MITIGATION PLAN**

### **15.20.070.A Conformance with Zoning and Adopted Plans**

In reviewing proposals for new development, the City Council, Planning Commission or community development department shall weigh all requests for future flood plain development against the City's master plan and zoning. Considerations of the following elements are required before approval:

1. Determination if proposed development is in or affects a known flood plain.
2. Inform the public of the proposed activity.
3. Determine if there is a practicable alternative or site for the proposed activity.
4. Identify impact of the activity on the flood plain.
5. Provide a plan to mitigate the impact of the activity with provisions in Section 15.20.040 of this Chapter.

## **15.20.080 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION<sup>3</sup>**

### **15.20.080.A Standards**

In all areas of special flood hazards, 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.
  - b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
2. **Construction Materials and Methods**
  - a. **Materials**

All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - b. **Construction Methods and Practices**

All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - c. **Location of Service Facilities**

Electrical, heating, ventilation, plumbing and air-conditioning equipment and other

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<sup>3</sup> Section Frequently Referenced: 15.20.080

service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**d. Elevation and Floodproofing**

- (i) New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation. Nonresidential structures may meet the standards of 15.20.080.A.3.b.(ii) below. Upon completion of the structure, the elevation of the lowest habitable floor, including basement, shall be certified by a registered professional engineer or surveyor or verified by the City that elevation requirements have been met. Notification of compliance shall be recorded as set forth in Section 15.20.030 of this Chapter.
- (ii) Nonresidential construction shall either be elevated to conformance with subsection 15.20.080.A.3.b.(i) hereinabove or, together with attendant utility and sanitary facilities:
  - (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water,
  - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the community development director.
- (iii) Manufactured homes shall meet the above standards.

**3. Storage of materials and equipment**

- a. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
- b. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

**4. Utilities**

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**5. Land division proposals**

- a. All land division 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; certification of compliance shall be required of the developer; and
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres

(whichever is less).

6. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The base flood elevation shall be determined by a Wyoming registered civil engineer and submitted to the City with the submittal of a building permit. Construction of the structure shall conform to Section 15.20.080.A.2 of this Chapter.
7. When required by the administrator, the applicant shall be required to apply to FEMA for a Conditional Letter of Map Revision (CLOMR) and subsequent Letter of Map Revision (LOMR) in order that a finding can be made regarding the impacts from proposed development.

### **15.20.090 SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.20.030 of this Chapter, the following provisions are required:

#### **15.20.090.A Residential construction:**

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevation.
2. Fully<sup>4</sup> enclosed areas below the lowest floor that are subject to flooding are prohibited or 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 must meet or exceed the following minimum criteria:
  - a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot (A) above grade.
  - c. Openings may be equipped with screens, louvers or other coverings or devices; provided, that they may permit the automatic entry and exit of flood waters.

#### **15.20.090.B 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:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy,
3. 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

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<sup>4</sup> Referenced Section

meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 15.20.030 of this Chapter.

4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection 15.20.090.A.2 of this Section.
5. Applicants floodproofing nonresidential building shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the floodproofed level (e.g. a building constructed to the base flood level will be rated as a foot below that level).

#### **15.20.090.C Manufactured homes**

All manufactured homes to be placed or substantially improved within Zones A, AH and AE 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 shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 15.20.080 of this Chapter.

#### **15.20.090.D Floodways**

Located within areas of special flood hazard established in Section 15.20.030 of this Chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

1. Encroachments, including fill, new construction, substantial improvements and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If subsection DA above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section and Section 15.20.080 of this Chapter.

### **15.20.0100 VARIANCES AND APPEALS<sup>5</sup>**

#### **15.20.0100.A Authority:**

The City Council shall hear and decide appeals and requests for variances from the requirements of this Chapter.

#### **15.20.0100.B Appeals**

1. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator of this Chapter.
2. Those aggrieved by the decision of the City Council may appeal such decision to the

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<sup>5</sup> Elizabeth, how do I fix this numbering?

appropriate court as provided in Wyoming State Statutes.

### **15.20.0100.C Variances**

#### **1. Application for Variance:**

In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter and:

- a. The danger that materials may be swept onto other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area,
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. 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 system and streets and bridges.

#### **2. Conditions May Be Imposed**

Upon consideration of the factors of Section 15.20.100.C.1 above and the purposes of this Chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

#### **3. Standards For Granting Variances**

- a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items a through k in subsection 15.20.100.c.1 of this Section have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.
- b. 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 subsection.
- c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard to afford relief.
- e. Variances shall only be issued upon:
  - (i) A showing of good and sufficient cause such as renovation, rehabilitation or

- reconstruction. Variances issued for economic considerations, aesthetics or because variances have been used in the past are not good and sufficient causes;
- (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- f. Variances, as interpreted in the National Flood Insurance Program, are based on the general zoning law principle that they pertain to a physical piece of property, they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection 15.20.100.C.3.a hereof and otherwise complies with Section 15.20.080 of this Chapter.

#### **4. Notice When Variance Granted**

Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

#### **15.20.0100.D Records and Reports**

The City shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

### **15.20.0110 LETTER OF MAP AMENDMENT (LOMA)**

#### **15.20.0110.A Administrative Procedures**

The following administrative procedures are provided to have the Federal Insurance Administrator review information from an owner or lessee of property who believes his property has been inadvertently included in a special flood hazard area. These procedures shall not apply when there has been any alteration of topography since the effective date of the first FIRM or FHBM showing the property within an area of special flood hazard.

The scientific or technical information submission may include, but is not limited to the following:

1. An actual copy of the recorded map bearing the seal of the county recorder, including recording information;
2. A topographical map showing:
  - a. Ground elevation contours;
  - b. The total area of the property in question;

- c. The location of the structure or structures located on the property in question;
  - d. The elevation of the lowest adjacent grade to a structure or structures; and
  - e. An indication of the curvilinear line which represents the area subject to inundation by a base flood. The curvilinear line should be based upon information provided by an appropriate authoritative source, such as a federal agency, department of water resources, the City, a Federal Emergency Management Agency Flood Insurance Study, or a determination by a licensed professional engineer;
3. A copy of the FHBM or FIRM indicating the location of the property in question;
  4. A certification by a registered professional engineer or licensed land surveyor that the lowest grade adjacent to the structure is above the base flood elevation; and
  5. The completion of the appropriate forms in the FEMA's Packet, Amendments and Revisions to National Flood Insurance Program Maps.;