

**ORDINANCE NO. 2019 - 15****AN ORDINANCE AMENDING CHAPTER 151 OF THE ORDINANCES OF THE CITY OF CLAREMORE REGARDING FLOODPLAIN REGULATIONS**

WHEREAS, the City of Claremore, pursuant to the powers delegated to it by the Oklahoma Constitution, Oklahoma Statutes and as a Charter City, has the authority to amend Chapter 151 of the Ordinances of the City of Claremore and

THEREFORE, BE IT ORDAINED by the Council of the City of Claremore, Oklahoma, that:

Section No. 1: Chapter 151 of the City of Claremore Code is hereby amended as follows
(all deletions are struck through and all insertions are underlined):

Section

- 151.01 Purpose
- 151.02 Findings of fact
- 151.03 Methods of reducing flood losses
- 151.04 Definitions
- 151.05 Lands to which special flood hazard applies
- 151.06 Basis for establishing the areas of special flood hazard
- 151.07 Establishment of development permit
- 151.08 Compliance
- 151.09 Abrogation and greater restrictions
- 151.10 Interpretation
- 151.11 Warning and disclaimer of liability
- 151.12 Designation of the Floodplain Administrator; duties and responsibilities
- 151.13 Permit procedures
- 151.14 Variance procedures
- 151.15 Provisions for flood hazard reduction
- 151.16 Standards for subdivision proposals
- 151.17 [Reserved]
- 151.18 Floodways
- 151.19 New development; waiver of service area restriction
- 151.20 Floodplain management fee schedule

- 151.99 Penalty

§ 151.01 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 to:

- (A) Protect human life and health;
- (B) Minimize expenditure of public money for costly flood control projects;
- (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) Minimize prolonged business interruptions;

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- (E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 - (F) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 - (G) Ensure that potential buyers are notified that property is in a flood area.
- (`83 Code, § 12-301) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12)

§ 151.02 FINDINGS OF FACT.

(A) 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, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(B) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(`83 Code, § 12-302) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12)

§ 151.03 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this chapter uses the following methods:

(A) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(D) Control filling, grading, dredging and other development which may increase flood damage; and

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(`83 Code, § 12-303) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12)

§ 151.04 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

ACCESSORY STRUCTURE. A structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of **ACCESSORY STRUCTURES** include but are not limited to garages and storage sheds.

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a 1% or greater change of flooding in any given year.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT. Any area of the building having its floor sub-grade (below ground level) on all sides.

BFE. Base flood elevation.

CFR. Code of Federal Regulations.

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CRITICAL FEATURE. An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT. Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DEVELOPMENT PERMIT. A permit issued by the City of Claremore Floodplain Administrator which authorizes development in a special flood hazard area in accordance with this chapter.

ELEVATED BUILDING.

(1) A nonbasement building adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood;

(2) In the case of zones AE, A, X, **ELEVATED BUILDING** also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

EXISTING CONSTRUCTION. For the purpose of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. **EXISTING CONSTRUCTION** may also be referred to as "existing structures."

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 August 4, 1972.

FEMA. Federal Emergency Management Agency.

FIRM. Flood Insurance Rate Map.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM). An official map of the City of Claremore, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the city.

FLOOD INSURANCE STUDY. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOOD PROTECTION SYSTEM. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN or FLOOD-PRONE AREA. Any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN ADMINISTRATOR. A person accredited by the OWRB and designated by the City Council of the City of Claremore to administer and implement laws, ordinances and regulations relating to the management of floodplains.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS. Zoning codes and ordinances, subdivision regulations, building codes, health regulations, special purpose regulations and ordinances (such as

floodplain, grading and erosion control regulations and ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODWAY (REGULATORY FLOODWAY). 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 a designated height. A **FLOODWAY** is located within areas of special flood hazard established in § 151.06 of this chapter. A **FLOODWAY** is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles.

FUNCTIONALLY DEPENDENT USE. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities but does not include long-term or related manufacturing facilities.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE. 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.

LEVEE SYSTEM. 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 accordance with sound engineering practices.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or 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 to render the structure in violation of the applicable non-elevation design requirement of 44 CFR 60.3, the National Flood Insurance Program regulations.

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 connected to the required utilities. For floodplain management purposes the term **MANUFACTURED HOME** also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term **MANUFACTURED HOME** does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (of contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which the base flood elevations shown on a community's flood insurance rate map are referenced.

NEW CONSTRUCTION. For floodplain management purposes, 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 the City of Claremore City Council and includes and subsequent improvements to such structures.

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 the City of Claremore.

OWRB. The Oklahoma Water Resources Board.

RECREATIONAL VEHICLE. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred 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.

START OF CONSTRUCTION. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The **ACTUAL START** means either 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 or walkways; nor does it include excavation of 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 shed not occupied as dwellings or not part of the main structure.

STRUCTURE. A walled and roofed building, including a gas or liquid tank, that is principally above ground, as well as a manufactured home.

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% of the market value of the structure before the damage occurred. Substantial damage shall be considered cumulative if flood related damage sustained by a structure on two (2) separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage," regardless of the actual repair work performed. This 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 conditions; or
- (2) Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."

VARIANCE. A grant of relief to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. For full requirements see 44 CFR 60.6, the National Flood Insurance Program regulations.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, here specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

('83 Code, § 12-304) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12)

§ 151.05 LANDS TO WHICH SPECIAL FLOOD HAZARD APPLIES.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Claremore.

('83 Code, § 12-305) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12)

§ 151.06 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for Rogers County, Oklahoma" dated April 3, 2012, with an accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of this regulation.

('83 Code, § 12-306) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12)

§ 151.07 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A development permit shall be required to ensure conformance with the provisions of this chapter.

('83 Code, § 12-307) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12)

§ 151.08 COMPLIANCE.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

('83 Code, § 12-308) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12) Penalty, see [§ 10.99](#)

§ 151.09 ABROGATION AND GREATER RESTRICTIONS.

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

('83 Code, § 12-309) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12)

§ 151.10 INTERPRETATION.

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

- (A) Considered as minimum requirements;
 - (B) Liberally construed in favor of the governing body; and
 - (C) Deemed neither to limit nor appeal any other powers granted under state statutes.
- ('83 Code, § 12-310) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12)

§ 151.11 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or county or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

('83 Code, § 12-311) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12)

§ 151.12 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR; DUTIES AND RESPONSIBILITIES.

(A) The City Manager shall designate a person to serve as the Floodplain Administrator to administer and implement the provisions of this chapter in all unincorporated areas. The City Engineer, or, in his or her absence, the Director of the Planning Commission, is hereby authorized to administer and implement the provisions of this section in the city and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to flood plain management. ('83 Code, § 12-312)

(B) Duties and responsibilities of the Floodplain Administrator shall include but not be limited to the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;

(2) Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding;

(3) Review, approve or deny all applications for development permits required by adoption of this chapter;

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;

(5) Where interpretation is 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) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reason-able opportunity to appeal the interpretation as provided in § 151.14;

(6) Notify adjacent communities and Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse and submit evidence of such notification to the FEMA;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any water-course is maintained;

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(8) When base flood elevation data has not been provided the Floodplain Administrator shall require the developer/applicant to determine and provide the base flood elevation on a FEMA elevation certificate as well as other data as required in order to administer the provisions in § 151.13;

(9) Require, until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones on the Rogers County FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of Claremore;

(10) After a disaster or other type of damage occurrence to structures in the City of Claremore, determine if the residential and non-residential structures and manufactured homes have been substantially damaged, and enforce the substantial improvement requirement;

(11) Maintain a record of all actions involving an appeal from a decision of the City Council;

(12) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;

(13) Become accredited by the OWRB in accordance with Title 82 O.S. §§ 1601 - 1618, as amended.

('83 Code, § 12-313) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12)

§ 151.13 PERMIT PROCEDURES.

(A) Application for a development permit shall be presented to the Floodplain Administrator on forms furnished by him and may include but not be limited to plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(1) Elevation in relation to mean sea level, of the lowest floor, including basement, of all new and substantially improved structures;

(2) Description of the extent of which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(B) Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development;

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(7) 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;

(8) The necessity to the facility of a waterfront location, where applicable;

(9) The availability of alternative locations, not subject to flooding or erosion damage, for proposed use; and

(10) The relationship of the proposed use to the comprehensive plan for that area.

(C) The Floodplain Administrator or City Council, as applicable, may approve certain development in Zones A or AE delineated on the Rogers County FIRM which increases the water surface elevation

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of the base flood by more than one foot, provided that the applicant for the development permit in that case first complies with 44 CFR § 65.12.
(^83 Code, § 12-314) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12)

§ 151.14 VARIANCE PROCEDURES.

(A) *General provisions.*

(1) The City Council of the City of Claremore may grant variances for uses which do not satisfy the requirements of the Oklahoma Floodplain Management Act or this chapter, if the applicant for the variance presents adequate proof that (i) compliance with this chapter will result in an arbitrary and unreasonable taking of property without sufficient benefit or advantage to the people and (ii) satisfies the pertinent provisions of this § 151.14(A). However, no variance shall be granted where the effect of the variance will be to permit the continuance of a condition which unreasonably creates flooding hazards.

(2) Any variance so granted shall not be construed as to relieve any person who receives it from any liability imposed by the Oklahoma Floodplain Management Act or by other laws of the state.

(3) In no case shall variances be effective for a period longer than 20 years.

(4) Any person seeking a variance shall file a petition with the City Council, accompanied by a filing fee of \$25.

(5) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in § 151.14(B) and provisions of this § 151.14 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(6) Any person seeking a variance to build a structure below the base flood elevation will be issued a notice signed by the Chairman of the City Council which states that:

(a) The cost of flood insurance will be commensurate with the increased risk resulting from permitting the structure to be built lower than the base flood elevation; and

(b) Such construction below the base flood level increases risks to life and property.

(7) At such time as the City Council deems the petition ready for notification to the public, the City Council shall schedule a hearing and direct the applicant to publish notice thereof in a newspaper of general circulation in Rogers County at least 30 days prior to the hearing.

(8) The City Council shall conduct the hearing and make determinations in accordance with the applicable provisions of § 151.14. The City Council shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to the public at large when determining whether the variance shall be granted.

(9) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(c) 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, regulations or ordinances; and

(d) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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(10) Upon consideration of the factors stated in this § [151.14](#) and the intent of this chapter, the City Council may attach such conditions to the granting of a variance as it deems necessary to further the purposes and objectives stated in § [151.01](#) of this chapter.

(B) Special provisions.

(1) 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 chapter.

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

(3) 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.

(4) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(a) The criteria of §§ [151.14\(A\)\(5\)](#), [151.14\(A\)\(10\)](#), [151.14\(B\)\(2\)](#) and [151.14\(B\)\(3\)](#) are met; and

(b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(`83 Code, § 12-315) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12)

§ 151.15 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(A) *General standards.* In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood water; and

(7) On-site waste water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(`83 Code, § 12-316)

(B) *Specific standards.*

(1) No development shall be allowed in the Floodway (F1) District except as set forth in § [151.18](#).

(2) In all areas of special flood hazards where base flood elevation data has been provided as set forth in §§ [151.05](#) to [151.12](#) and [151.15](#) to [151.18](#), the following provisions are required:

(a) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least two (2) feet above the

base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in § [151.13](#) is satisfied;

(b) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least two (2) feet above the base flood level. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this division (B)(2) is satisfied.

(c) *Enclosures.* New construction and substantial improvements, with 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 that 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:

1. A minimum of two 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;
2. The bottom of all openings shall be no higher than one foot above grade; and
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) *Manufactured homes.* Require that all manufactured homes:

1. To be placed within zone A and/or AE on the Rogers FIRM, shall be installed using methods and practices which minimize flood damage and have the bottom of the ~~I-beam elevated at least one foot above the base flood elevation~~ manufactured home's subfloor elevated to or above the base flood elevation. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of 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. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the Floodplain Administrator by the installer prior to habitation of the manufactured home.

(e) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A and AE on the Rogers County FIRM either:

1. Be on the site for fewer than 180 consecutive days,
2. Be fully licensed and ready for highway use, or
3. Meet the permit requirements of § [151.13](#), and the elevation and anchoring requirements for "manufactured homes" in § [151.15](#)(B)(2)(d). 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.

(f) *Accessory structure.* Accessory structures to be placed on sites within zones A and AE on the Rogers County FIRM shall comply with the following:

1. The structure shall be unfinished on the interior;
2. The structure shall be used only for parking and limited storage;
3. The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;
4. Service facilities such as electrical and heating equipment must be elevated to or above the BFE;
5. The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
6. The structure shall be designed to have low flood damage potential and constructed with flood resistance materials;

7. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;
 8. Floodway requirements must be met in the construction of the structure;
 9. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE;
- and
10. The structure shall be located so as not to cause damage to adjacent and nearby structures. ('83 Code, § 12-317) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12) Penalty, see § [10.99](#)

§ 151.16 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with §§ [151.01](#) through [151.03](#) of this chapter.

(B) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet development permit requirements of §§ [151.07](#) and [151.13](#) and the provisions of § [151.15](#).

(C) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to §§ [151.06](#) or [151.12](#)(B)(8) of this chapter.

(D) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(E) All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

('83 Code, § 12-318) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12)

§ 151.17 [RESERVED].

§ 151.18 FLOODWAYS.

Floodways located within areas of special flood hazard established in §§ [151.05](#) through [151.11](#) 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 shall apply:

(A) Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a professional registered engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or

(B) If § [151.15](#)(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of § [151.15](#)(A).

(C) The City of Claremore may permit encroachments within the adopted floodway that would result in an increase in base flood elevations, provided that the applicant for the development permit complies with all of 44 CFR § 65.12.

('83 Code, § 12-320) (Ord. 87-10, passed 7-20-87; Am. Ord. 2012-03, passed 2-20-12) Penalty, see § [10.99](#)

§ 151.19 NEW DEVELOPMENT; WAIVER OF SERVICE AREA RESTRICTION.

(A) Irrespective of any other provisions to the contrary herein, from and after the effective date of this section, there shall be no new development permitted within the 100-year flood plain as defined in the latest publication of the National Flood Insurance Programs "Flood Insurance Rate Map" for the city, which would generate wastewater to be transported to the wastewater treatment facilities of the city.

(B) An owner/developer of property situated in the floodplain may make request, in writing, to the city for a "Waiver of Service Area Restriction" only in cases where the owner/developer can sufficiently show that the natural environment in the 100-year floodplain would be preserved if the waiver was granted. The written request for a "Waiver of Service Area Restriction" must be submitted to the Floodplain Administrator of the city, who upon review thereof will judge whether the requested waiver conforms to the intent of this section. If it be found that the waiver would not be in keeping with the intent of this section, the request for a "Waiver of Service Area Restriction" shall be denied. Should the findings of the Floodplain Administrator be that the requested waiver would not violate the intent of this section, nor have detrimental effect upon the natural functions and values of the effected floodplain, when such a request would be presented to the City Council for the consideration and possible approval. Only after City Council approval, the city would then submit the request to the U.S. Environmental Protection Agency's regional administrator for review and possible approval. It is specifically the intent of this section that the regional administrator be the final authority in all such request for a "Waiver of Service Area Restriction."

('83 Code, § 12-321) (Ord. 89-19, passed 7-17-89; Am. Ord. 2012-03, passed 2-20-12)

§ 151.20 FLOODPLAIN MANAGEMENT FEE SCHEDULE.

The City of Claremore City Council establishes the following fee schedule not to exceed \$500 for any one service:

- (A) Notice of intent fee - \$25 maximum.
 - (B) Floodplain development permit application review - \$100.
 - (C) Floodplain development permit fee - \$25.
 - (D) Inspection fee - per inspection - \$25.
- (Ord. 2012-03, passed 2-20-12)

§ 151.99 PENALTY.

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. A structure or other development without the elevation certificate or other certifications required in this chapter is presumed to be in violation until such time as that documentation is provided. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City Council of the City of Claremore or its City Attorney from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2012-03, passed 2-20-12)

CITY OF CLAREMORE
CITY CLERK
P.O. BOX 249
CLAREMORE, OK 74018-0249

Section No. 2: The City Clerk is hereby ordered and directed to cause this Ordinance to be published as required by law.

PASSED AND APPROVED by the Mayor and Council of the City of Claremore, Oklahoma, this 4th day of November, 2019.

ATTEST:

Bill Flanagan
Mayor

Sarah Sharp
City Clerk

[S E A L]



CITY OF CLAREMORE
CITY CLERK
P.O. BOX 249
CLAREMORE, OK 74018-0249

AFFIDAVIT OF PUBLICATION

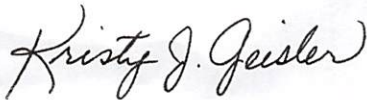
County of Rogers, State of Oklahoma
The Claremore Daily Progress
315 W. Will Rogers Blvd.
P.O. Box 248
Claremore, OK. 74018
918-341-1101

Ordinance 2019-15

I, **KRISTY J. GEISLER**, of lawful age, being duly sworn, upon oath deposes and says that I am the Publisher of The Claremore Progress, a daily publication that is a "legal newspaper" as that phrase is defined in 25 O.S. § 106, as amended to date, for the city of Claremore, for the County of Rogers, in the State of Oklahoma. The attachment hereto contains a true and correct copy of what was published in the regular edition of said newspaper, and not in a supplement, in consecutive issues on the following dates:

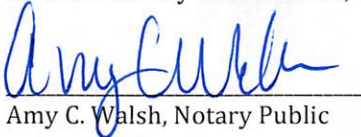
PUBLICATION DATES:

November 10, 2019



Kristy Geisler, Publisher

Signed and sworn to before me
on this 10th day of November, 2019.



Amy C. Walsh, Notary Public

My Commission expires: 07-25-2022
Commission # 18007365

Publisher's Fee \$1,034.95

