

## **Chapter 21.41 Flood Prone Areas**

Sections:

- 21.41.010 Purpose and intent.
- 21.41.020 Applicability.
- 21.41.030 Definitions.
- 21.41.040 Basis for establishing flood hazard areas.
- 21.41.050 Warning; no liability.
- 21.41.060 Noncompliance; violations; enforcement.
- 21.41.070 Development permit required.
- 21.41.080 Administration by planning department.
- 21.41.090 Functions and powers of planning department.
- 21.41.100 Fee required.
- 21.41.200 Standards – all flood hazard areas.
- 21.41.220 Standards – where base flood elevation data is provided.
- 21.41.230 Standards – floodways.
- 21.41.240 Standards – shallow flooding areas.
- 21.41.250 Standards – coastal high hazard areas.
- 21.41.300 Variances – planning commission.
- 21.41.310 Variances – factors considered.
- 21.41.320 Variances – conditional approval.
- 21.41.330 Variances – records and reports.
- 21.41.340 Variances – conditions for granting.
- 21.41.400 Appeals.

21.41.010 Purpose and Intent. a. This chapter designates and classifies ecologically sensitive and hazardous areas, protects the functions and values of the areas, and provides the means for additional review and protection to ensure the continued growth in a safe, orderly fashion for the greater health, welfare and safety of all Homer residents.

b. The purpose of the chapter is to protect the public from flooding and other natural hazards, to minimize the need for emergency rescue, to protect unique, fragile, and vulnerable elements of the environment, to minimize the cost of replacing public facilities, to alert the public of these critical areas, to avoid public subsidy of private development impacts, to assist property owners in developing their property by promoting innovative land use techniques; and to work in concert with other land use regulations. (Ord. 08-29, 2008).

21.41.020 Applicability. This chapter applies to all lands within the City of Homer and the Bridge Creek Watershed Protection District that contain area of special flood hazard, including coastal hazard areas, and to all development on those lands. This chapter constitutes an overlay district, and the regulations in this chapter apply to lands in that overlay district in combination with the regulations of the underlying zoning districts. This chapter imposes regulations and standards in addition to what is required by the underlying zoning district(s). (Ord. 08-29, 2008).

21.41.030 Definitions. For the purposes of this chapter, the following words and phrases shall be defined as follows:

"Accessory structures" mean low cost buildings such as detached garages, boat houses, small poles, not to be used for human habitation, shall be constructed and placed on the building site so as to offer minimum resistance to the flow of flood waters; shall be anchored to prevent flotation which may result in damage to other structures; and service utilities such as electrical and hearing equipment shall be elevated or flood-proofed. No elevation certificate or variance is required for a development determined by the City to be an accessory structure.

"Appeal" means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

"Area of shallow flooding" means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM) with a 1

## Chapter 21.41 Flood Prone Areas

Published on City of Homer Alaska Official Website (<http://www.cityofhomer-ak.gov>)

---

percent or greater chance of flooding. The base flood depths range from one to three feet, where a clearly defined channel does not exist where the path of flooding is unpredictable and, where velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"Area of special flood hazard" means the land in the floodplain within the city subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. The term "special flood hazard area" is interchangeable with this definition. This area is often referred to as the 100-year floodplain.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-V30, VE or V.

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to: schools, nursing homes, hospitals, police, fire and emergency response installations, installations that produce, use or store hazardous materials or hazardous waste, access roads, water supply, power, communications and other public utility facilities that are vital to maintaining or restoring services.

"Development" means any manmade 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, storage of equipment or materials, or any other activity which results in the removal of substantial amounts of vegetation or in the alteration of nature site characteristics located within the area of special flood hazard or coastal high hazard area.

"Elevated building" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from one or both of the following:

- a. The overflow of inland or tidal waters.
- b. The unusual and rapid accumulation of runoff of surface waters from any source.

"Federal Emergency Management Agency" or "FEMA" is the agency responsible for administration of the National Flood Insurance Program.

"Special flood hazard area" – "area of special flood hazard".

"Flood insurance rate map" or "FIRM" means an official map of the city issued by the Federal Insurance Administrator which delineates both the special hazard areas and the risk premium zones.

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

"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 a designated height, usually one foot, at any point.

"Functionally dependent use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. Their term includes only docking facilities and port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities.

## Chapter 21.41 Flood Prone Areas

Published on City of Homer Alaska Official Website (<http://www.cityofhomer-ak.gov>)

---

"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 the 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 found at HCC § 21.41.220(a).

"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 connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes recreational vehicles, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include recreational vehicles, travel trailers, and other similar vehicles.

"100-year flood" (also called "regulatory flood," "base flood" or "special flood hazard area")- see "base flood" means a flood of a magnitude which can be expected to occur on an average of once every 100 years. It is possible for this size flood to occur during any year, and possibly in successive years. It would have a one percent chance of being equaled or exceeded in any year. Statistical analysis of available stream flow or storm records, or analysis of rainfall and runoff characteristics of the watershed, or topography and storm characteristics are used to determine the extent and depth of the 100-year flood.

"Start of construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means 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 for a basement, footings, piers, or foundation or erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, external dimensions of the building.

"Structure" means a walled and roofed building, including liquid or gas storage tank, that is principally above ground, as well as a manufactured home that is principally above ground.

"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.

"Substantial improvement" means any repair, 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. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing violations of state or local health, sanitary, or safety code specifications which are the minimum necessary to assure safe living conditions, or
- b. Any alteration of a "historic structure" listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief by the city from the requirements of this chapter, which permits construction in a manner that would otherwise be prohibited by this chapter.

"Water dependent" means a structure for commerce or industry, which cannot exist in any other location and is dependent on the water because of the intrinsic nature of its operations. (Ord. 08-29, 2008).

21.41.040 Basis for establishing flood hazard areas. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of

## Chapter 21.41 Flood Prone Areas

Published on City of Homer Alaska Official Website (<http://www.cityofhomer-ak.gov>)

---

Homer, Alaska," dated September 25, 2009, with accompanying Flood Insurance Rate Maps (FIRM), are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and FIRM is on file in the Planning and Zoning office. (Ord. 09-38, 2009).

21.41.050 Warning; no liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade 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 of Homer, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 08-29, 2008).

21.41.060 Noncompliance; violations; enforcement. a. No structure or land shall after April 29, 2003, be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.

b. Violations of this chapter are infractions, and are subject to criminal penalties pursuant to HCC Chapter 1.16.

c. In addition, the city may take any other lawful action as necessary to prevent or remedy any violation, including but not limited to all enforcement and civil remedies available under this title and HCC Chapter 1.16. (Ord. 08-29, 2008).

21.41.070 Development permit required. A development permit shall be obtained before construction or development begins within special flood hazard areas established in HCC § 21.41.040. The permit shall be for all development as defined by 21.41.030. Application for a development permit shall be made on forms furnished by the City and shall include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevations to be determined by registered state land surveyors in relation to North American Vertical Datum of 1988 (NAVD88 the vertical datum used as a reference in the Flood Insurance Study for flood, ground, and structure elevations) of the lowest floor (including basement) of all structures;
- b. Elevation in relation to NAVD88 to which any structure has been flood proofed;
- c. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in HCC § 21.41.220(b);
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (Ord. 09-38, 2009; Ord. 08-29, 2008).

21.41.080 Administration by planning department. The planning department, acting under the direction of the City Planner, is appointed to administer, implement, and enforce this chapter by granting or denying development permit applications and otherwise acting in accordance with its provisions. (Ord. 08-29, 2008).

21.41.090 Functions and powers of planning department. The functions and powers of the planning department include:

a. Permit Application Review.

1. Review all development permit applications to determine that the permit requirements have been met,
2. Review all development permit applications to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required,
3. Review all development permit applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of HCC § 21.41.230(a) are met.

b. Issue Permit.

1. Upon determination that the submitted and recorded information connected with the permit application meets the terms of this chapter, the planning department shall issue a floodplain development permit to the original applicant.
2. The floodplain development permit is not assignable without permission from the planning department.

c. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with HCC § 21.41.220 the Planning Department shall obtain, review, and reasonably utilize any base flood and floodway elevation data available from a federal, state or other source, in order to administer HCC §§ 21.41.220(a)-(b) and 21.41.230.

d. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study or required in HCC § 21.41.090(c), record the actual elevation as submitted (in relation to NAVD88) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

## Chapter 21.41 Flood Prone Areas

Published on City of Homer Alaska Official Website (<http://www.cityofhomer-ak.gov>)

---

2. For all new or substantially improved flood proofed structures:

- a. Record the actual elevation as submitted (in relation to mean sea level); and,
  - b. Maintain the flood proofing certifications required in HCC § 21.41.070(c);
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

e. Alteration of Watercourses.

1. Notify adjacent communities and the Alaska Department of Community and Regional Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. (Ord. 09-38, 2009; Ord. 08-29, 2008).

21.41.100 Fee required. The planning department shall charge fees for permits and variances. Fees shall be established by resolution of the Homer City Council to be paid by the applicant at the time that the floodplain development permit application or variance application is submitted. (Ord. 08-29, 2008).

21.41.200 Standards – all flood hazard areas. In all flood hazard areas, the following standards apply:

a. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All manufactured homes must 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.

b. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and elevated or otherwise located to prevent water from entering or accumulating within the components during conditions of flooding.

c. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and,

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All proposed improvements such as water, sewer, natural gas, telephone and electrical facilities shall be located and constructed in a manner which will minimize damage in the event of a flood.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for all subdivision proposals located in unnumbered A or V Zones when the subdivision is planned to be 50 lots or 5 acres, whichever is less.

5. It is the responsibility of the subdivider to provide all necessary information regarding flood protection measures at the time the preliminary plat is presented for consideration by the planning commission.

e. Review of Development Permits.

1. Where elevation data is not available, applications for development permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding.

2. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, and other evidence where available. (Ord. 08-29, 2008).

21.41.220 Standards – where base flood elevation data is provided. In all flood hazard areas where base flood elevation data has been provided as set forth in HCC § 21.41.040 the following provisions are required:

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 the base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to

## Chapter 21.41 Flood Prone Areas

Published on City of Homer Alaska Official Website (<http://www.cityofhomer-ak.gov>)

---

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 must meet or exceed the following minimum criteria:

- i. Fully enclosed areas below the lowest floor that are subject to flooding are to be used solely for parking of vehicles, building access, or limited storage.
  - ii. 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.
  - iii. The bottom of all openings shall be no higher than one foot above grade.
  - iv. Openings may be equipped with screens, louvers, or other coverings or devices if they permit the automatic entry and exit of floodwaters.
- 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 flood proofed so that below the base flood level the structure is water tight 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 standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in HCC § 21.41.090(d)(2);
  4. Nonresidential structures that are elevated, not flood proofed, must meet the same standard for space below the lowest floor as described in HCC § 21.41.220(a)(2);
  5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
- c. Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of HCC § 21.41.200(a).
- d. Recreational Vehicles. A recreational vehicle placed on a site within Zones A1-30, AH, and AE on the city's FIRM either must:
1. Be on site for fewer than 180 consecutive days, or
  2. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
  3. Meet the requirements of HCC § 21.41.220(c) and the elevation and anchoring requirements for manufactured homes. (Ord. 09-38, 2009; Ord. 08-29, 2008).

21.41.230 Standards – floodways. Located within flood hazard areas established in HCC § 21.41.040 are areas designated as floodways. Since the floodway is an extremely hazardous area due to erosion potential and the velocity of floodwaters which carry debris, the following provisions apply:

- a. All 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.
- b. If subsection (a) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of HCC §§ 21.41.200—21.41.250. (Ord. 08-29, 2008).

21.41.240 Standards – shallow flooding areas. Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- a. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).
- b. New construction and substantial improvements of nonresidential structures within AO zones shall either:
  1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
  2. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer as in HCC § 21.41.220(b)(3).

## Chapter 21.41 Flood Prone Areas

Published on City of Homer Alaska Official Website (<http://www.cityofhomer-ak.gov>)

---

- c. Adequate drainage paths around structures on slopes must guide floodwaters around and away from proposed structures.
- d. A recreational vehicle placed on a site within AO Zones must either:
  - 1. Be on the site for fewer than 180 consecutive days, or
  - 2. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
  - 3. Meet the requirements of HCC § 21.41.240 and the elevation and anchoring requirements for manufactured homes.
- e. A minimum of two openings on at least two different walls of the enclosure must be installed. The bottom of the openings must be no higher than one foot above grade. (Ord. 08-29, 2008).

21.41.250 Standards – coastal high hazard areas. Located within areas of special flood hazard established in HCC § 21.41.040 are Coastal High Hazard Areas, designated as Zones V1-V30, VE or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all other provisions in this chapter, the following provisions shall also apply:

- a. All new construction and substantial improvements in Zones V1-V30 and VE (V if base flood elevation data is unavailable) shall be elevated on pilings and columns so that:
  - 1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level; and
  - 2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval);
- b. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of HCC § 21.41.250(a)(1) and (2).
- c. The developer shall obtain and provide to the planning department the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1-30 and VE, and whether or not such structures contain a basement. The planning department shall maintain a record of all such information.
- d. All new construction shall be located landward of the reach of mean high tide.
- e. All new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
  - 1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
  - 2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- f. If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- g. The use of fill for structural support of buildings is prohibited.
- h. Man-made alteration of sand dunes that would increase potential flood damage is prohibited.
- i. All manufactured homes to be placed or substantially improved within Zones V1-V30, V, and VE on the FIRM shall meet the standards of HCC § 21.41.250(a) – (h) and shall meet the requirements of HCC § 21.41.220(c).
- j. A recreational vehicle placed on a site within Zones V1-30, V, and VE on the FIRM shall either:
  - 1. Be on the site for fewer than 180 consecutive days, or
  - 2. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
  - 3. Meet the requirements of HCC § 21.41.070 and HCC § 21.41.250(a) – (h). (Ord. 09-38, 2009; Ord. 08-29, 2008).

21.41.300 Variances – planning commission. The Homer Planning Commission shall hear and decide requests for variances from the requirements of this chapter. (Ord. 08-29, 2008).

## Chapter 21.41 Flood Prone Areas

Published on City of Homer Alaska Official Website (<http://www.cityofhomer-ak.gov>)

---

21.41.310 Variances – factors considered. In passing upon variance applications, the planning commission 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 damages;
- g. The compatibility of the proposed use with the 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 floodwaters 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 systems, and streets and bridges. (Ord. 08-29, 2008).

21.41.320 Variances – conditional approval. Upon consideration of the factors of HCC § 21.41.310 and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 08-29, 2008).

21.41.330 Variances – records and reports. The planning department shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 08-29, 2008).

21.41.340 Variances – conditions for granting. 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 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided HCC § 21.41.310(a) – (k) 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 HCC §§ 21.41.300—21.41.340.

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

d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

e. Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A 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, 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 flood proofing than watertight or dry-flood proofing where it can be determined that such action will have low damage potential, complies with all other variance criteria except HCC § 21.41.340(a), and otherwise complies with HCC § 21.41.200(a)(1) and (2).

h. Variances may, if a proper showing is made, be granted for functionally dependent uses.

i. 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. (Ord. 08-29, 2008).

## **Chapter 21.41 Flood Prone Areas**

Published on City of Homer Alaska Official Website (<http://www.cityofhomer-ak.gov>)

---

- 21.41.400 Appeals. a. The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the planning department.
- b. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the planning commission.
- c. Appeals under this chapter are governed by the requirements and procedures of HCC Chapter 21.93. (Ord. 08-29, 2008).

**Source URL (retrieved on 2013-12-04 20:54):**

<http://www.cityofhomer-ak.gov/cityclerk/chapter-2141-flood-prone-areas>