

**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 13-32

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HCC 21.41.030, DEFINITIONS, HCC 21.41.040, BASIS FOR ESTABLISHING FLOOD HAZARD AREAS, HCC 21.41.200, STANDARDS – ALL FLOOD HAZARD AREAS, AND HCC 21.41.220, STANDARDS – WHERE BASE FLOOD ELEVATION DATA IS PROVIDED, TO ADOPT THE FLOOD INSURANCE RATE MAPS DATED NOVEMBER 6, 2013, AND CODE REVISIONS RECOMMENDED BY FEMA.

WHEREAS, The City must participate in the National Flood Insurance Program to be eligible for emergency federal funding in case of disaster; and

WHEREAS, FEMA has conducted a national map modernization program to switch from paper flood insurance rate maps to digital maps; and

WHEREAS, As part of the program, the Homer maps have been updated; and

WHEREAS, The Flood Insurance Rate Maps dated November 6, 2013 must be adopted by the City in order for the City to continue to participate in the floodplain program; and

WHEREAS, The City's floodplain code was reviewed by FEMA and found to need minor adjustments to be compliant with the requirements of the National Flood Insurance Program; and

WHEREAS, It is in the City's best interest to require all structures to be elevated one foot above the base flood elevation; and

WHEREAS, The 2010 Homer Spit Comprehensive Plan within the City of Homer Comprehensive Plan of 2008, Section 3, Goal 1.4, states, "All development should recognize, value and complement the unique natural resources on the Homer Spit"; and

WHEREAS, The Homer Advisory Planning Commission conducted a public hearing on July 17, 2013, and recommend that the City Council adopt this ordinance.

THE CITY OF HOMER ORDAINS:

Section 1. The definitions of "Accessory Structures," "Coastal high hazard area" and "Substantial improvement" in HCC 21.41.030, Definitions, are amended to read as follows:

46 "Accessory structures" means buildings such as detached garages and boat houses, that
47 are not designed or intended for human habitation.

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

53
54 "Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or
55 other improvement of a structure, the cost of which equals or exceeds 50 percent of the market
56 value of the structure before the "start of construction" of the improvement. This term includes
57 structures which have incurred "substantial damage", regardless of the actual repair work
58 performed. For the purposes of this definition "substantial improvement" is considered to occur
59 when the first alteration of any wall, ceiling, floor, or other structural part of the building
60 commences, whether or not that alteration affects the external dimensions of the structure. The
61 term does not, however, include either:

- 62 a. Any project for improvement of a structure to correct violations that have been
63 previously cited based on state or local health, sanitary, or safety code specifications which are
64 the minimum necessary to assure safe living conditions, or
65 b. Any alteration of a "historic structure" listed on the National Register of Historic
66 Places or a State Inventory of Historic Places, provided that the alteration will not preclude the
67 structure's continued designation as a "historic structure."

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69 Section 2. HCC 21.41.040, Basis for establishing flood hazard areas, is amended to read
70 as follows:

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72 21.41.040 Basis for establishing flood hazard areas. The areas of special flood hazard
73 identified by the Federal Insurance Administration in a scientific and engineering report entitled
74 "The Flood Insurance Study for the City of Homer, Alaska," dated November 6, 2013, with
75 accompanying Flood Insurance Rate Maps (FIRM), are hereby adopted by reference and
76 declared to be a part of this ordinance. The Flood Insurance Study and FIRM are on file in the
77 Planning Department.

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79 Section 3. HCC 21.41.200 Standards—all flood hazard areas, is amended by adding
80 paragraph (b)(4) to read as follows:

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82 4. Accessory structures shall be constructed and placed on the building site so as
83 to offer minimum resistance to the flow of flood waters; shall be anchored to prevent
84 flotation which may result in damage to other structures; shall have only service utilities
85 such as electrical and heating equipment that are elevated or flood-proofed; and shall
86 have openings as required by HCC 21.41.220(a)(2)(ii), (iii) and (iv). No elevation
87 certificate or variance is required for a development determined by the City to be an
88 accessory structure

89
90 Section 4. Subsection (b) of HCC 21.41.220, Standards—where base flood elevation data
91 is provided, is amended to read as follows:

92 b. Nonresidential Construction. New construction and substantial improvement of any
93 commercial, industrial or other nonresidential structure shall either have the lowest floor,
94 including basement, elevated one foot above base flood elevation; or, together with attendant
95 utility and sanitary facilities, shall:

96 1. Be flood proofed so that one foot above the base flood level the structure is
97 water tight with walls substantially impermeable to the passage of water;

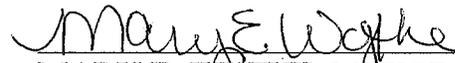
98 2. Have structural components capable of resisting hydrostatic and hydrodynamic
99 loads and effects of buoyancy;

100 3. Be certified by a registered professional engineer or architect that the standards
101 of this subsection are satisfied. Such certifications shall be provided to the official as set
102 forth in HCC § 21.41.090(d)(2);

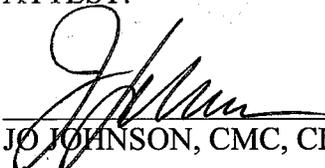
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104 Section 5. This Ordinance is of a permanent and general character and shall be included
105 in the City Code.

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107 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 26th day of August,
108 2013.

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110 CITY OF HOMER

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114 MARY E. WYTHE, MAYOR

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116 ATTEST:

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120 JO JOHNSON, CMC, CITY CLERK

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128 YES: 5
129 NO: 0
130 ABSTAIN: 0
131 ABSENT: 1

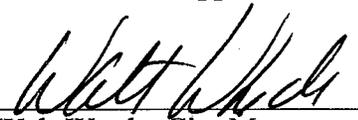
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134 First Reading: 8/12/13
135 Public Hearing: 8/26/13
136 Second Reading: 8/26/13
137 Effective Date: 8/27/13

138 Reviewed and approved as to form:

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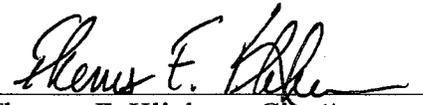
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Walt Wrede, City Manager

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145 Date: AUG. 30, 2013


Thomas F. Klinkner, City Attorney

Date: 9-4-13