

**CITY OF CORDOVA, ALASKA
ORDINANCE 1204**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA,
REPEALING CORDOVA MUNICIPAL CODE CHAPTER 19.04 “FLOOD PROTECTION”
AND ENACTING CHAPTER 19.04 “FLOODPLAIN MANAGEMENT” TO ADOPT
NATIONAL FLOOD INSURANCE ACT LAND USE CRITERIA SET FORTH IN FEDERAL
REGULATION AS REQUIREMENTS FOR NATIONAL FLOOD INSURANCE PROGRAM
ELIGIBILITY AND AMENDING CMC 1.28.05 TO UPDATE THE FINE SCHEDULE TO
REFLECT CHANGES TO CHAPTER 19.04**

WHEREAS, the National Flood Insurance Act of 1968, as amended (“NFIA”) authorizes the Federal Emergency Management Agency (“FEMA”) to establish and carry out the National Flood Insurance Program (“NFIP”) to provide flood insurance against losses resulting from physical damage or loss of property to eligible persons; and

WHEREAS, under the NFIA, FEMA may only grant flood insurance to properties within communities that have adopted and enforce adequate land use and control measures that regulate floodplains as established by FEMA regulations located at 44 CFR 60.3, 60.4, and 60.5; and

WHEREAS, the City Council of the City of Cordova has determined that participation in the NFIP is necessary to provide residents the opportunity to apply for insurance through the Program; and

WHEREAS, FEMA Floodplain Specialist for FEMA Region 10, in which Cordova is located, has reviewed Cordova’s Code and provided the City Planner required changes to Chapter 19.04 to maintain NFIA compliance and NFIP eligibility; and

WHEREAS, it has been determined that is in the best interests of the City to adopt the definitions and requirements of the NFIA and to incorporate those changes into Chapter 19.04 of the Cordova Municipal Code to maintain compliance with the NFIA and NFIP eligible status.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cordova, that:

Section 1. Cordova Municipal Code 1.28.085(C), “Minor offense fine schedule”, is amended to read as follows:

C. The following violations of this code are amenable to disposition without court appearance upon payment of a fine in the amount listed below:

...

Environment

<u>19.04</u>	<u>Failure to comply with the requirements of this Chapter</u>	<u>500.00</u>
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Section 2. Chapter 19.04 of the Cordova Municipal Code, “Flood Protection”, is repealed and reenacted as Chapter 19.04 “Floodplain Management”, to read as follows:

Chapter 19.04 – FLOODPLAIN MANAGEMENT

19.04.010 Definitions.

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

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"Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

"Appeal" means a request for a review of the City Manager's interpretation of any provisions of this chapter.

"Area of shallow flooding" means a designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of 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. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

"Basement" means any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

"Building" see "Structure".

"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 or storage of equipment or materials.

"Existing manufactured (mobile) home park or manufactured (mobile) home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured (mobile) home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured (mobile) home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of the ordinance codified in this chapter.

"Expansion to an existing manufactured (mobile) home park or manufactured (mobile) home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

"Flood" or "flooding" means (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

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(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

“Flood elevation study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

"Flood insurance rate map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

"Flood insurance study (FIS)" see “Flood elevation study”.

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source. See "Flood or flooding."

“Floodplain administrator” is the title assigned in federal regulation for the city official who is designated to administer and enforce the floodplain management regulations. The City has designated the City Manager as floodplain administrator, and refers to the City Manager by title throughout this chapter.

“Floodplain management” means 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” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application 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.

"Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

"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. Also referred to as “Regulatory Floodway.”

“Functionally dependent use” means 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, and does not include long-term storage or related manufacturing facilities.

"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

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

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of 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 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.

"Letter of map amendment (LOMA)" means an amendment to the currently effective FEMA map which establishes that a property is not located in a special flood hazard area. A LOMA is issued only by FEMA.

"Letter of map revision (LOMR)" means an official amendment to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

"Lowest floor" means the lowest floor of the lowest enclosed area (including "Basement"). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of any other requirements.

"Manufactured (mobile) home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"Modular building" means a building that is usually transported to its site on a steel frame or special trailer because it does not have a permanent chassis like a manufactured (mobile) home.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

"New manufactured (mobile) home park or manufactured (mobile) home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured (mobile) home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of the ordinance codified in this chapter.

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"One-hundred-year flood" means a flood of a magnitude which can be expected to occur on the average of once every one hundred years. It is possible for this size flood to occur during any year. The odds are one to a hundred that this size flood will occur during a given year, but there is a one percent chance that a flood will occur each year. Also known as the "one percent flood", and the NFIP "base flood."

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
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.

"Special flood hazard area (SFHA)" see "Area of special flood hazard".

"Start of construction" means the first placement of permanent construction of a structure (other than a manufactured (mobile) home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured (mobile) homes not within a manufactured (mobile) home park or manufactured (mobile) home subdivision, "start of construction" means the affixing of the manufactured (mobile) home to its permanent site. For manufactured (mobile) homes within manufactured (mobile) home parks or manufactured (mobile) home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured (mobile) home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

"Structure" means a walled and roofed building, and includes mobile homes, manufactured homes, and gas and liquid storage tanks or containers that are 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 fifty percent of the market value of the structure before the damage occurred. All structures that are determined to be substantially damaged are automatically considered to be substantial improvements, regardless of the actual repair work performed. If the cost necessary to fully repair the structure to its before damage condition is equal to or greater than fifty percent of the structure's market value before damages, then the structure must be elevated (or floodproofed if it is non-residential) to or above the base flood elevation (BFE), and meet other applicable NFIP requirements.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a building, the cost of which equals or exceeds fifty percent of the market value of the building before the "start of construction" of the improvement. Substantial improvement includes buildings that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a building to correct existing state or local code violations or any alteration to a "historic building," provided that the alteration will not preclude the building's continued designation as a "historic building."

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"Variance" means a grant of relief by a participating community from the terms of its floodplain management regulations.

"Violation" means 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 this chapter is presumed to be in violation until such time as that documentation is provided.

19.04.020 Statutory authority.

These regulations are adopted by the City Council pursuant to authority vested in that body by the Charter of the City and by AS 29.35.010 and AS 29.35.260 as amended.

19.04.030 Findings of fact.

- A. The flood hazard areas of the City are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

19.04.040 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:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their action.
- I. To participate in and maintain eligibility for national flood insurance and disaster relief.

19.04.050 Reduction of flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

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- C. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

19.04.060 Interpretation.

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 repeal any other powers granted under state statutes.

19.04.070 Applicability.

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

19.04.080 Compliance required.

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

19.04.090 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 the City of Cordova," dated December 16, 2015, with accompanying flood insurance maps is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at City Hall.

19.04.100 Development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 19.04.090. The permit shall be for all structures including manufactured (mobile) homes, as set forth in Section 19.04.010, and for all other development including fill and other activities also as set forth in Section 19.04.010. Application for a development permit shall be made on forms furnished by the City and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to the FIS and FIRM, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to the FIS and FIRM 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 Section 19.04.260; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

19.04.110 City Manager—Administration.

The City Manager is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

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19.04.120 City Manager—Duties generally.

Duties of the City Manager shall include, but not be limited to, those set forth in Sections 19.04.130 through 19.04.170.

19.04.130 City Manager—Permit review.

The City Manager shall:

- A. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
- B. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

19.04.140 City Manager—Use of other base flood data.

When base flood elevation data has not been provided in accordance with Section 19.04.090, the City Manager shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Sections 19.04.250 and 19.04.260.

19.04.150 City Manager—Further information to be obtained.

The City Manager shall:

- A. Obtain and record the actual elevation (in relation to the FIS and FIRM) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
- B. For all new or substantially improved flood-proofed structures:
 1. Verify and record the actual elevation (in relation to the FIS and FIRM), and
 2. Maintain the flood proofing certifications required in Section 19.04.100.C;
- C. Obtain and maintain the following for public inspection and make available as needed:
 1. Certification required by Section 19.04.250 and Section 19.04.270 (lowest floor elevations for all structures, bottom of the lowest horizontal structural member (if applicable), and service facilities/mechanical equipment);
 2. Certification required by Section 19.04.260 (lowest floor elevations or floodproofing of non-residential structures and service facilities/mechanical equipment);
 3. Certification required by Section 19.04.277;
 4. Certification required by Section 19.04.276;
 5. Records of all variance actions, including justification for their issuance;
 6. Improvement and damage calculations.

19.04.160 City Manager—Alteration of watercourse.

The City Manager shall:

- A. Notify adjacent communities and the State 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.
- B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- C. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

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19.04.170 City Manager—Interpretation of FIRM boundaries.

The City Manager shall make interpretations where needed, as to exact location of the boundaries of the areas of special hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 19.04.280.

19.04.180 Standards and specifications—Generally.

In all areas of special flood hazards the standards set forth in Sections 19.04.190 through 19.04.230 are required.

19.04.190 Subdivision proposals.

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, electrical, and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty lots or five acres, whichever is less.

19.04.200 Review of building permits.

Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high—water marks, photographs of past flooding, etc., where available.

19.04.210 Anchoring.

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- B. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - 1. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than fifty feet long requiring one additional tie per side;
 - 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than fifty feet long requiring four additional ties per side;
 - 3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and,
 - 4. Any additions to the mobile home be similarly anchored.
- C. An alternative method of anchoring may involve a system designed to withstand a wind force of ninety miles per hour or greater. Certification must be provided to the City Manager that this standard has been met.

19.04.220 Construction materials and methods.

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

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

19.04.230 Utilities.

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- D. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.

19.04.240 Standards and specifications—Areas of special flood hazard.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 19.04.090 or Section 19.04.140, the provisions set forth in Sections 19.04.250 through 19.04.270 are required.

19.04.250 Residential construction.

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
- B. A garage attached to a residential structure, constructed with the garage floor slab below the Base Flood Elevation, must be designed to allow for the automatic entry and exit of flood waters.

19.04.260 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:

- A. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- C. 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 Section 19.04.150B.

19.04.265 – Accessory structure construction (detached garages & storage structures).

Accessory structures, both residential and nonresidential, used solely for parking of vehicles or storage may be constructed such that the floor is below the Base Flood Elevation, provided the structure is designed and constructed in accordance with the following requirements based on the floodplain zone;

- A. A zones (A, AE, A1-30, AH, AO):
 1. Use of the accessory structure must be limited to parking of vehicles or storage;
 2. The portions of the accessory structure located below the Base Flood Elevation must be built using flood resistant materials;

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3. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
4. Any machinery or equipment servicing the accessory structure must be elevated or floodproofed to or above the Base Flood Elevation;
5. The accessory structure must comply with floodway encroachment provisions in Section 19.04.276 and
6. The accessory structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 19.04.277.

Detached garages, storage structures and other accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 19.04.250(A), (B), or (C) as appropriate.

Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the City Manager for verification.

19.04.266 – Standards for storage of materials and equipment.

- A. The storage or processing of materials that could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
- B. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning

19.04.270 Manufactured (mobile) homes.

- A. Manufactured (mobile) homes shall be anchored in accordance with Section 19.04.210.
- B. For new manufactured (mobile) home parks and manufactured (mobile) home subdivisions; for expansions to existing manufactured (mobile) home parks and manufactured (mobile) home subdivisions; for existing manufactured (mobile) home parks and manufactured (mobile) home subdivisions where the repair reconstruction or improvement of the streets, utilities and pads equal or exceeds fifty percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured (mobile) homes not placed in a manufactured (mobile) home park or manufactured (mobile) home subdivision, require that:
 1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured (mobile) home and the bottom of the I-beam will be at or above the base flood level;
 2. Adequate surface drainage and access for a hauler are provided; and,
 3. In the instance of elevation on pilings, that:
 - a. Lots are large enough to permit steps;
 - b. Piling foundations are placed in stable soil no more than ten feet apart; and
 - c. Reinforcement is provided for pilings more than six feet above the ground level.
- C. No manufactured (mobile) home shall be placed in a floodway, except in an existing manufactured (mobile) home park or existing mobile home subdivision.

19.04.275 – Recreational vehicles.

In A1-30, AH, and AE zones, all recreational vehicles to be placed on a site must:

- A. Be elevated and anchored; or
- B. Be on the site for less than one hundred eighty consecutive days; and

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- C. Be fully licensed and highway ready.
- D. Meet the permit requirements of Section 19.04.100 and the applicable elevation and anchoring requirements for manufactured homes in Section 19.04.270.

19.04.276 – Floodways.

Located within the special flood hazard areas established in Section 19.04.090 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
- B. If Section 19.04.276 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 19.04.240.
- C. Encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations may be permitted, provided that City of Cordova first applies for and fulfills the requirements for a Conditional Letter of Map Revision (CLOMR), and receives approval from the Federal Insurance Administrator to revise the FIRM and FIS in accordance with Section 19.04.160.

19.04.277 – Equalizing hydrostatic load.

All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:

For non-engineered openings:

- A. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- B. The bottom of all openings shall be no higher than one foot above grade;
- C. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

Alternatively, a registered engineer or architect may design and certify engineered openings.

Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the City Manager for verification.

19.04.280 – Appeals.

- A. The planning commission as established by the City shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. 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 City Manager in the enforcement or administration of this chapter.
- C. Further appeal of any action or decision of the planning commission may be taken by any person or party aggrieved pursuant to the procedures set forth in Section 18.64.030.

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19.04.281 – Variances – Nature of Variances.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

It is the duty of the City to help protect its citizens from flooding through enforcement of this chapter. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements of this chapter are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

19.04.282 – Variance applications.

An application for a variance under this chapter shall be submitted, considered, and decided in accordance with the procedures set forth in Section 18.64.020.

19.04.283 – Conditions for variances.

- A. Variances shall only be issued:
1. Upon 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 code;
 2. For the repair, rehabilitation or restoration 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;
 3. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 4. Upon a showing of good and sufficient cause;
 5. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 6. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 19.04.010 in the definition of "Functionally Dependent Use."
- B. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- C. Generally, 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 Elevation, provided the procedures of Sections 19.04.180 have been fully considered. As the lot size increases

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beyond one-half acre, the technical justification required for issuing the variance increases.

19.04.285 –Variance Criteria.

- A. In considering variance applications under this chapter, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger of life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
 11. 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, water system and streets and bridges.
- B. Any applicant to whom a variance is granted shall be given written notice over the signature of the City Planner that:
1. The issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 2. Such construction below the base flood elevation increases risks to life and property.
- C. The City Manager shall maintain a record of all variance actions, including justification for their issuance.

19.04.290 - (Reserved).

19.04.295 – Violations.

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 be subject to abatement as outlined in Section 8.08.030. Each day a violation occurs is a separate violation. The minimum penalty for a single violation of this chapter is specified in Chapter 1.28 of this Code. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

19.04.300 Conflict of provisions.

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

19.04.310 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, 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 law-fully made thereunder.

Section 3. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, within ten (10) days after its passage.

1st reading: February 15, 2023
2nd reading and public hearing: March 1, 2023

PASSED AND APPROVED THIS 1st DAY OF MARCH 2023.



David Allison, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk

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