

**DENALI BOROUGH, ALASKA**

**ORDINANCE NO. 03-17 FAILED**

**INTRODUCED BY: Mayor David Talerico**

**Version A**

AN ORDINANCE OF THE DENALI BOROUGH ESTABLISHING LAND USE REGULATIONS TO CONFORM TO REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM AND PROVIDING FOR AN EFFECTIVE DATE.

**Section 1. Classification.** This ordinance is of a general and permanent nature.

**Section 2. Purpose.** The purpose of this ordinance is to provide the residents and businesses of Denali Borough the opportunity to purchase flood insurance.

**Section 3. Authority.**

- 1.) Alaska Statutes 29.35.180
- 2.) Denali Borough, Code of Ordinances/ Chapter 35

**Section 4. Statutory authorization, findings of fact, and purpose.**

The Denali Borough, Alaska, does recognize that the Borough is periodically subject to flooding, and areas adjacent to the rivers and streams may be subject to erosion, furthermore, both hazards may result in loss of life and property, health and safety hazards, and public expenditures for flood protection, relief and erosion control, all of which adversely affect the public health, safety and general welfare.

The purpose of this ordinance is to promote public health, safety and general welfare and to minimize flood losses. To accomplish this purpose, it is the intent of this ordinance to:

1. Encourage land uses vulnerable to floods be protected against flood damages at the time of initial construction or substantial improvement;
2. Modify land uses which are dangerous to health, safety or property in time of flood or cause excessive increase in flood heights or velocity;
3. Insure that subdivision and development of land within the Borough are consistent with the need to minimize flood hazards; and insure that the sale of flood insurance

is available to residents, and that those who occupy the areas of special flood hazard assume responsibility for their actions.

**Section 5. Definitions.**

A.) "SPECIAL FLOOD HAZARD AREA (SFHA)" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

B.) "DEVELOPMENT" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

C.) "FLOOD" or "FLOODING" means 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.

D.) "STRUCTURE" means a walled and roofed building, manufactured home, and includes a gas or liquid storage tank that is principally above ground.

E.) "SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started, or
- (2) if the structure has been damaged, and is being restored, before the damage occurred.

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.

**Section 6. General Provisions.**

A.) LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Denali Borough. Until such time as a "Flood Insurance Study" and "Flood Insurance Rate Maps" are published by the Federal Emergency Management Agency for Denali Borough, the Borough shall reasonably utilize flood hazard areas as delineated by an authoritative federal or state agency (such as lands flooded during July 2003 flood event).

## SECTION 7. Administration

### A.) ESTABLISHMENT OF DEVELOPMENT PERMIT

#### 1.) Development Permit Required

A development permit shall be obtained before construction or development begins to determine if such development is proposed within a mapped special flood hazard area. The permit shall be for all structures, including manufactured homes, and for all development including fill and other activities.

#### 2.) Designation of the Local Administrator

The \_\_\_\_\_ is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

### B.) DUTIES AND RESPONSIBILITIES OF THE DENALI BOROUGH

Duties of the \_\_\_\_\_ shall include, but not be limited to:

#### 1.) Permit Review

- (1) Review all development permits to determine if the proposed development is located in a flood hazard area.
- (2) 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.
- (3) Review all development permits to determine if the proposed building sites will be reasonably safe from flooding.

#### 2.) Information to be Obtained and Maintained

- (1) Maintain for public inspection all records pertaining to the provisions of this ordinance.
- (2) Where base flood elevation data or High Water Marks of Record are provided, obtain and record the actual elevation of the lowest floor of all structures; and if applicable, elevation to which any structure has been flood-proofed.

## SECTION 8 PROVISIONS FOR FLOOD HAZARD REDUCTION

### A.) GENERAL STANDARDS

If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall meet the following standards:

#### 1.) Anchoring

Be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure; all manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement.

#### 2.) Construction Materials and Methods

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

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

C.) Electrical, heating, ventilation, plumbing, and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### 3.) 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 into flood waters; sewage lift station electrical panels shall be elevated above High Water Marks.

#### 4.) 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, gas, electrical, and water systems located and constructed to minimize flood damage;

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

5.) Review of Building Permits

Where flood elevation data is not available either through a Flood Insurance Study or from another authoritative source, the Borough shall use historical data, high water marks, photographs of past flooding, where available in these areas. Failure to elevate at least two feet above grade in these areas may result in higher insurance rates.

6.) Residential Construction

A.) In all areas of special flood hazards, new construction and substantial improvement of any residential structure shall have the lowest floor elevated to or above base flood elevation if established, or the high water marks of record.

B.) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited.

7.) Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor elevated to or above the level of the base flood elevation or high water marks of record; 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.) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section and such certifications shall be provided to the city manager.

C.) Fully enclosed areas below the lowest floor in nonresidential elevated structures that are subject to flooding are prohibited.

**SECTIONS 9 and 10 are OPTIONAL. Not required to enter the flood insurance program.**

Section 9 Erosion Setback.

*All new development shall be setback from the \_\_\_\_\_ to create a safety buffer or be designed to be easily moved.*

The setback distance shall be \_\_\_\_\_ feet measured from the top of the bank to the foundation.

The setback distance shall at a minimum be the estimated average annual erosion rate of \_\_\_\_\_ feet times the anticipated useful life of the structure.

Section 10 Exceptions and Variances

The granting of an exception or variance is for floodplain management purposes only. Insurance premium rates are according to actuarial risk and will not be modified by the granting of a variance or exception.

Variances may be issued for:

- (1) The repair or rehabilitation of historic structures.
- (2) Substandard size lots (generally ½ acre or less surrounded by lots with existing structures).
- (3) Wetflood proofing of non-residential structures such as airplane hangars, boat storage facilities.
- (4) Functionally dependent uses.

Exceptions to the permit requirement, thus the elevation and floodproofing standards may be granted for all non-habitable accessory structures (e.g. smokehouses, dog houses, caches, etc.)

Exceptions to the Section 7.1, Development Permit requirement may be granted if the administrator determines the development activity will be reasonably safe from flooding, prevent or minimize erosion, or is a non-insurable development.

DATE INTRODUCED: September 10, 2003

FIRST READING: September 10, 2003

PUBLIC HEARING: \_\_\_\_\_

PASSED and APPROVED by the Denali Borough Assembly this \_\_\_\_ day of \_\_\_\_\_ 2003.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Borough Clerk

ATTEST: