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City of Nome

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FLOOD HAZARD REGULATIONS

CITY OF NOME, ALASKA

40.00 Purpose

The purpose of the Flood Hazard Regulations is to provide adequate safeguards to protect life and property from flood hazards.

40.05 Flood Insurance Rate Maps

- a) Flood hazard areas are areas of the 100 year flood illustrated on Flood Insurance Rate Maps for the City of Nome published by the Federal Emergency Management Agency (or any successor agency). A-zones, AO zones, zones A1-30 and V-zones are defined within the flood hazard areas.
- b) The Flood Insurance Rate Maps are incorporated by reference as part of these regulations.

40.10 Permits and Compliance

Within the flood hazard areas, permits are required for construction of a building and moving of a building, and moving of a mobile home. On beaches in the V-zone a permit for fill and excavation is required. No such permits shall be approved unless requirements of these Flood Hazard Regulations are satisfied.

40.15 Zones A1-30, Residential

In zones A1-30, all new construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated to or above the base flood level.

40.20 Zones A1-30, Mobile Homes

In zones A1-30 mobile homes, whether placed in a mobile house park subdivision or park, or not place in such a subdivision or park, shall:

- a) Be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level; and
- b) Have adequate surface drainage and access for a hauler provided; and
- c) Have in the instance of elevation on pilings,
 - 1) Lots large enough to permit steps;

- 2) Piling foundations placed in stable soil no more than ten feet apart; and
- 3) Reinforcement provided for pilings more than six feet above the ground level.

40.25 Zones A1-30, Nonresidential

In zones A1-30, all new construction and substantial improvements of nonresidential structures shall:

- a) Have the lowest floor, including the basement, elevated to or above the base flood level; or
- b) Together with attendant utility and sanitary facilities:
 - 1) Be designed so that below the base flood level the structure is watertight with walls impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - 2) Be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure; and
 - 3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

40.30 Zones A1-30, Effect on Flood Height

No new construction, substantial improvements, or other development including fill, shall be permitted within Zones A1-30 unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

40.35 AO Zone, Residential

In the AO Zone, all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above, whichever is highest:

- a) Crown of the nearest street or;
- b) Depth number specified on the Flood Insurance Rate Map.

40.40 AO Zone, Nonresidential

In the AO Zone, all new construction and substantial improvement of any nonresidential structure shall:

- a) Have the lowest floor, including the basement, elevated to or above, whichever is higher:

- 1) Crown of the nearest street or
- 2) Depth number specified on the Flood Insurance Rate Map;

Or

b) Together with attendant utility and sanitary facilities:

- 1) Be completely flood-proofed to or above that level specified in "a" above, 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;
- 2) Be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure; and
- 3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

40.45 A Zone, All Construction and Mobile Homes

a) In the A zone, all new construction and substantial improvements, including the placement of prefabricated buildings and mobile home, shall:

- 1) Be designed, or modified, and adequately anchored to prevent flotation, collapse, or lateral movement of the structure;
- 2) Be constructed with materials and utility equipment resistant to flood damage; and
- 3) Be constructed by methods and practices that minimize flood damage.

b) In the A Zone, 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, and similar information, where available.

40.50 A Zone, Mobile Home Anchoring

All mobile homes in the A zone shall be anchored as follows:

- a) Mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors;
- b) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;
- c) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;

- d) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds;
- e) Any additions to the mobile home shall be similarly anchored.

40.55 Associated Sewer and Water Systems

In flood hazard areas:

- a) All new 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; and,
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

40.60 Construction Materials and Methods

In flood hazard areas:

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage; and
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

40.65 V-Zones

The V-zone is an area subject to wave action, and can be extremely hazardous, and the following provisions apply to that area:

- a) No new buildings or mobile homes will be located in the V-zones.
- b) Sand beaches in the V-zone may not be altered in a way that would increase flood potential.

40.70 Subdivisions

- a) All subdivisions in the flood hazard areas created after the effective dated of these regulations shall adhere to the following:
 - 1) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - 2) All subdivision proposals shall have public utilities and facilities such as sewer, electrical and water systems located and constructed to minimize flood damage;

- 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
 - 4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).
- b) Subdivisions shall be reviewed by the Nome Planning Commission and the City manager according to procedures of Alaska Statutes and regulations and ordinances of the City.

40.71 Elevation Information

Information shall be provided where applicable, by the applicant, which demonstrates that the structure will be adequately protected against flood damage and that the structure or site preparation will not adversely affect flood elevations or velocities. Information shall include:

- a) The ground elevation in relation to Mean Lower Low Water (MLLW) after site preparation;
- b) Projected first floor elevation in relation to MLLW;
- c) The basement floor elevations; and
- d) Elevation to which the structure is flood-proofed in relation to MLLW.

40.72. Duties of City Manager

Duties of the City Manager, or his designee, shall include, but not be limited to:

- a) Review all building, moving and fill permits to determine that the requirements of these regulations have been satisfied;
- b) Make findings and give final review and approval for any building, moving or fill in the flood hazard area;
- c) For all new or substantially improved flood-proofed structures, verify and record the actual elevation (in relation to Mean Lower Low Water) and maintain the flood-proofing certifications;
- d) Maintain for public inspection, all records pertaining to the provisions of these regulations;
- e) Upon receipt of a completed application under these regulations notify the state clearing house so that the clearing house may notify state and federal agencies.
- f) Notify the state clearinghouse agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration; and

- g) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

40.75 Appeals and Variances

- a) The Planning Commission as established by the City of Nome shall hear and decide appeals from decisions of the City Manager and requests for variances from the requirements of these regulations.
- 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, or his designee, in the enforcement or administration of these regulations.
- c) Those aggrieved by the decision of the Planning Commission, or any taxpayer, may appeal such decision to the City Council sitting as the Nome Board of Adjustment, as provided in Chapter 21 of the Nome Code of Ordinances.
- d) Appeals of a decision of the City Manager must be filed in writing with the City within 30 days of a written decision of the City Manager. An appeal or request for variance will be heard and decided on by the Planning Commission within 30 days of filing of a complete, written appeal or request for variance.
- e) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of these regulations; and:
 - 1) The danger that materials may be swept onto other lands to the injury of others;
 - 2) The danger to 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 necessity to the facility of a waterfront location, where applicable;
 - 5) The availability of alternative locations for the proposed use which are not subject to flooding;
 - 6) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 7) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - 8) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, electrical and water systems, and streets and bridges.

- f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, and conformance with subsections (g) and (h) below.
- g) Variances shall only be issued upon:
 - 1) Showing of good and sufficient cause;
 - 2) Determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - 3) 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, ordinances or regulations.
- h) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 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, that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that this cost may be substantial.
- j) The Planning Commission may attach conditions to the granting of variances or appeals to further the purpose of these regulations.
- k) The City Manager shall:
 - 1) Maintain a record of all variance actions, including justification for their issuance; and,
 - 2) Report such variances issued in the annual report submitted to the Federal Insurance Administrator.

40.80 City Not Liable

The approval of building, moving or fill permits or approval of a subdivision in the flood hazard area shall not constitute a representation, guarantee or warranty of any kind by the City or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the City, its officials or employees.

40.81 Other Ordinances and Regulations

Permits issued pursuant to the Flood Hazard Regulations shall conform to all other ordinances and regulations of the City of Nome as are, from time to time, established or amended. However, the Flood Hazard Regulations shall control in

the event of any conflict unless specifically stated otherwise or unless the conflicting ordinance is more restrictive.

40.82 Enforcement

In case any structure is constructed or substantially improved in violation of these remedies, the City shall institute any property actions or proceedings necessary, including enjoining of connections to public utilities, to restrain correct or abate such violations.

40.83 Contracts and Agreements

The City may enter into contracts and agreements with other government entities for the purpose of implementing the provisions of these regulations.

40.84 Definitions

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

“COASTAL HIGH HAZARD AREA” means the area subject to high velocity waters designated on the Flood Insurance Rate Map as Zone V 1-30 or Zone V.

“FLOOD INSURANCE RATE MAP (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Nome.

“FLOOD INSURANCE STUDY” means the official report provided by the Federal Insurance Administration that includes flood profiles, the “Flood Boundary Map, and the water surface elevation of the base flood.

“MOBILE HOME” means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

“NEW MOBILE HOME PARK OR MOBILE HOME SUBDIVISION” means a parcel (or contiguous parcels) of land divided into two or more 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 these regulations.

“ONE HUNDRED YEAR FLOOD” means a flood of a magnitude which can be expected to occur on the average of once every 100 years; also a flood which has a one percent chance of being equaled or exceeded in any given year; also known as the “base flood”.

“STRUCTURE” means a walled and roofed building or mobile home that is principally above ground.

“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:

- a) Before the improvement or repair is started; or
- b) 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 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 state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“VARIANCE” means a grant of relief from the requirements of these regulations which permits construction in a manner that would otherwise be prohibited by these regulations.

“V-ZONE” means zone V and V1-30 identified on the Nome Flood Insurance Rate map.