

## Chapter 21.60 FLOOD PLAIN REGULATIONS\*

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\*Cross references: Building regulations, Ch. 23.05.

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### 21.60.005 Findings of fact.

- A. The flood hazard areas of the municipality are subject to periodic inundation which results 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 floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(AO No. 78-169)

### 21.60.010 Short title of chapter; purpose and intent.

- A. *Title.* This chapter shall be known as the Floodplain Regulations of the Municipality of Anchorage.
- B. *Purpose and intent.* It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize loss due to flood. The provisions of this chapter are intended to be an addition to all other land use regulations and to:
  - 1. Restrict or prohibit uses and structures which are dangerous to health, safety or property in time of flood, or which cause increased flood heights or velocities;
  - 2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection or flood proofing at the time of initial construction;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damages to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. 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;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(OR 75-111; AO No. 79-169)

#### **21.60.015 Interpretation of chapter; disclaimer of liability.**

- A. In the interpretation and application of this chapter, all provisions shall be:
  1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and
  3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- B. 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 hazard or uses permitted within such area will be free from flooding or flood damages. This chapter shall not create liability on the part of the municipality, 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.

(AO No. 79-169)

#### **21.60.020 Creation of flood hazard district; official flood hazard reports and maps.**

- A. *Creation of district; adoption of reports and maps.* There is hereby created a flood hazard district. This district shall be defined in its territorial extent by Sections 21.60.030 and 21.60.040 and by the following reports and maps:
  1. Flood Insurance Study for the Municipality of Anchorage, prepared by the Federal Insurance Administration, Federal Emergency Management Agency (FEMA).

2. Flood insurance rate map (FIRM) prepared by the Federal Insurance Administration, FEMA.
3. Flood boundary and floodway map, prepared by the Federal Insurance Administration, FEMA.
4. Flood hazard boundary map (FHBM), prepared by the Federal Insurance Administration, FEMA.

The current editions of each of the maps and reports listed in this subsection are made a part of this chapter. Subsequent maps and reports prepared by the Federal Insurance Administration or the municipality delineating the flood hazard district, floodway and floodplain areas within the municipality shall become part of this chapter upon publication. A copy of the reports and maps cited in this subsection shall be on file in the department of community planning and development of the municipality. Definitions of terms appearing on the maps and reports appear in 41 CFR 19.09.1.

- B. *Review of maps.* In no case will longer than five years elapse without an update and review of the existing flood hazard district maps. The review may be conducted by the municipality, the U.S. Army Corps of Engineers or the Federal Insurance Administration, and any changes or amendments in the boundaries of the flood hazard district, floodway or floodway fringe area shall then be submitted to the planning and zoning commission and assembly for final adoption as part of this chapter.
- C. *Rules for interpretation of district boundaries.* The boundaries of the floodplain districts established by this chapter shall be determined from the cited maps and reports. Where interpretation is needed as to the exact location of the boundaries, the department of public works, upon advice from the U.S. Army Corps of Engineers, shall make the necessary interpretation.

(GAAB Ord. No. 75-111; AO No. 79-169; AO No. 82-49; AO No. 87-43)

### **21.60.030 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrative agent* means the director of public works or his designee.

*Alaska water quality standards* and *state water quality standards* mean those standards set forth in Title 18, chapter 70 of the Alaska Administrative Code.

*Base flood (100-year)* means the flood having a one percent chance of being equalled or exceeded in any given year.

*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.

*Flood and flooding* mean:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters.
  - b. The unusual or rapid accumulation or runoff of surface waters from any source.
  - c. Mudslides which are proximately caused or precipitated by accumulations of water on or under the ground.
2. 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 a flash flood or an abnormal tide surge, or by some similarly unusual or unforeseeable event which results in flooding as defined in this subsection.

*Flood insurance rate map (FIRM)* means the official map on which the Federal Insurance Administration has delineated both areas of special flood hazards and the risk premium zones applicable to the community.

*Flood insurance study* means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary/floodway map, and the water surface elevation of the base flood.

*Floodplain* means any land area susceptible to being inundated by water from any source.

*Floodproofing* means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway.* See *Regulatory floodway.*

*Floodway fringe* means that area of land lying between the outer limit of the regulatory floodway and the outer limit of the base flood elevation. The boundaries of this area shall be established on the basis of the maps and reports adopted by Section 21.60.020.

*Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of a levee, or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*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 any 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 the application nonelevation design requirements of Section 21.60.070.B.4.

*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 floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed

on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

*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 the average height of the sea for all states of the tide. Datum is Greater Anchorage Area Borough, Post Quake, U.S. Geodetic Survey of 1972.

*New structures* means structures for which the start of construction commenced on or after September 25, 1979. The start of construction means the first placement of a permanent foundation and appropriate structural framing.

*Obstruction* means any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the material downstream to the damage of life or property.

*Regulatory floodway* means the channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The boundaries of this area shall be established on the basis of the maps and reports adopted by Section 21.60.020.

*Special hazard area* means an area having special flood, mudslide or flood-related erosion hazards.

*Start of construction* includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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 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 part of the main structure.

*Structure* means a walled and roofed building, including a gas or liquid storage tank 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:

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. 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 ensure 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 this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(GAAB Ord. No. 75-111; AO No. 79-169; AO No. 87-43)

**Cross references:** Definitions and rules of construction generally, § 1.05.020.

#### **21.60.040 Establishment of flood hazard district.**

The area within the limit of the boundary of the base flood, the highest extreme tide or a designated special hazard area is hereby designated as the flood hazard district. The boundaries of this district are established in accordance with Sections 21.60.020 and 21.60.030.

(GAAB Ord. No. 75-111; AO No. 79-169)

#### **21.60.050 Regulations applicable to flood hazard district.**

- A. *Applicability.* The regulations within this section shall apply to all areas of the flood hazard district.
- B. *Prohibited development.* Any encroachments, new construction, fill, obstructions, substantial improvements and other development or action within the regulatory floodway that would result in any increase in flood levels during the occurrence of a base flood are prohibited.
- C. *Standards for issuance of land use permit.* No building permits, encroachment permits, manufactured home permits or other land use permits shall be issued for the construction or placing of a structure within the flood hazard district unless the plans show that, in addition to compliance with all other ordinances, regulations and permit requirements, the structure shall meet the following requirements:
  1. Prior to final approval of a permit it must be demonstrated that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act amendments of 1972.
  2. It must be demonstrated that the structure will be reasonably safe from flooding. If a proposed building site is in a floodplain, all new construction and substantial improvements shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure, be constructed with materials and utility equipment resistant to flood damage, and be constructed by methods and practices that minimize flood damage.
  3. The approval of a subdivision application shall require proof that:
    - a. The proposed construction is consistent with the need to minimize flood

damage within the floodplain;

- b. All public utilities and facilities such as sewer, gas, electrical and water systems are to be located and constructed to minimize or eliminate flood damage;
  - c. Adequate drainage is provided to reduce exposure to flood hazards; and
  - d. Base flood elevation data has been provided for subdivision proposals and other proposed development which contains at least 50 lots or five acres, whichever is less.
4. Construction within floodplains shall require that new and replacement water supply systems be designed to minimize or eliminate infiltration of floodwaters into the systems.
  5. Construction within floodplains shall require that:
    - a. New and replacement sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; and
    - b. On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.
- D. *Storage of materials or equipment.* The storage or processing of equipment or materials that are buoyant, flammable, explosive or injurious to safety, or which would cause a violation of state water quality standards upon contact with water, are prohibited.

(GAAB Ord. No. 75-111; AO No. 79-169; AO No. 87-43)

### **21.60.060 Regulations applicable to subdistricts.**

- A. *Floodway area.* Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris and potential projectiles and have erosion potential, the following provisions apply:
1. Permitted uses and structures are parks, parkways, greenbelts, land reserves, golf courses, playgrounds, playfields and related facilities.
  2. Permitted accessory uses and structures are picnic tables, playground equipment, outdoor cooking facilities and like structures.
  3. The following structures and activities are permitted only by special flood hazard permit: excavation of sand, gravel and other natural resources, railroad and tramway tracks, streets, bridges, utility installations and pipelines, storage yards for equipment and materials, commercial farming, landfills and land reclamation.
  4. The following uses are prohibited: encroachments not otherwise excepted in this section, including fill, new construction, substantial improvements and other development, unless certification by a registered professional engineer or architect is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge or result in violation of the state water quality standards. Manufactured homes are prohibited, except as otherwise stated in this chapter.

B. *Floodway fringe area.* The regulations listed in this subsection are applicable to the floodway fringe area:

1. Permitted uses and structures are parks, parkways, greenbelts, land reserves, golf courses, playgrounds, playfields and related facilities.
2. Permitted accessory uses and structures are picnic tables, playground equipment, outdoor cooking facilities and like structures.
3. The following uses, structures and activities are permitted only by special flood hazard permit: any use permitted by special flood hazard permit as set forth in subsection A of this section, and all other uses, structures and activities which are in accordance with all other land use regulations provided they are adequately floodproofed as set forth in Section 21.60.070.
4. The following uses are prohibited: uses, structures and activities which are not permitted under subsections B.1 through 3 of this section or which would cause violations of state water quality standards.

(GAAB Ord. No. 75-111; AO No. 79-169; AO No. 87-43)

#### **21.60.065 Construction requirements.**

A. *Generally.* All new construction and substantial improvements in areas designated on the flood insurance rate map as zones A1-30 shall meet the following conditions:

1. The lowest floor, including basement, of residential structures shall be elevated to or above the base flood level.
2. The lowest floor, including basement, of nonresidential structures shall be elevated to or above the base flood level, unless the structure, with all utility and sanitary facilities, is designed so that below base flood level the structure is watertight with walls substantially impermeable to the passage of water and so that it is capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. Where floodproofing is utilized a registered professional engineer or architect shall certify that the floodproofing methods are adequate.
5. For new manufactured home parks and manufactured home subdivisions; for expansions to existing manufactured home parks and manufactured home subdivisions; for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or manufactured home subdivision, require that the repair, and on all property not

within a manufactured home park or subdivision stands or lots are elevated on compacted fill or on pilings so that:

- a. The lowest floor of each manufactured home must be at or above the base flood level.
  - b. Adequate surface drainage and access for a hauler must be provided.
  - c. For manufactured homes placed on pilings, pilings must be stable and no more than ten feet apart and reinforced if more than six feet above the ground level.
  - d. Lots must be large enough to permit steps.
6. 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 at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system.
  7. All manufactured homes must likewise 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. *Standards for shallow flood areas (AO zones).* Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from one to three feet 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:
1. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor, including basement, elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified).
  2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
    - a. Have the lowest floor, including basement, elevated above the highest adjacent grade of the building site, or to or above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
    - b. Together with attendant utility and sanitary facilities, be completely floodproofed 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 or architect as in required in Section 21.60.065.A.4.
  3. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.
- C. *Standards for zone A99.* All construction in areas designated on the flood insurance rate

map as zone A99 shall meet all requirements of subsections A and B of this section.

(AO No. 79-169; AO No. 87-43)

### **21.60.070 Special flood hazard permit.**

- A. *Required.* No person shall engage in development within the flood hazard district unless a special flood hazard permit is first issued. Applications for special flood hazard permits may be made to the official administering this chapter on forms furnished by the municipality, in accordance with Section 21.15.020.
- B. *Conditions.* Special conditions may be attached as a condition to the issuance of a special flood hazard permit. Conditions shall include any floodproofing measures deemed necessary by the issuing official to further the purposes of this chapter. Floodproofing measures may include requirements that:
1. The finished surface of the first or main floor shall be at least one foot above the level of the regulatory flood protection elevation.
  2. Structures or uses below the level of the regulatory flood shall be restricted to those not involving habitual human habitation, such as working space, living space, sleeping space, etc.
  3. The anchorage shall be suitable to resist flotation and lateral movement.
  4. For all construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exits 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: 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exits of floodwaters.
  5. All areas below the level of the regulatory flood protection levels shall be coated with paint, membranes or mortars substantially impermeable to the passage of water.
  6. Water supply and waste treatment systems must prevent infiltration of water.
  7. All interior drains must be connected to the sanitary sewer system.

(GAAB Ord. No. 75-111; AO No. 79-169; AO No. 87-43)

### **21.60.080 Nonconforming uses.**

A structure or the use of a structure or premises located within the flood hazard district which was lawful before the original passage of applicable regulations, but which is not in conformity of the provisions of such regulations, may be continued subject to the following conditions:

- A. No such use shall be expanded, changed, enlarged or altered in any way which increases its nonconformity with respect to the provisions of this chapter.
- B. No repair, alteration or addition shall be made to any nonconforming structure if the value of such repair, alteration or addition shall exceed 50 percent of the value of the structure at the time of its becoming a nonconforming use unless the structure is permanently changed to a conforming use.
- C. If such use is discontinued for 12 consecutive months, any future use of the structure or premises shall conform to this chapter.
- D. Uses or adjuncts thereof which are or have become nuisances shall not be entitled to continuance as nonconforming uses.
- E. Any permitted alteration, addition or repair to any nonconforming structure the cost of which equals or exceeds 50 percent of the fair market value of the structure which would result in substantially increasing the flood damage potential shall be adequately floodproofed in accordance with Section 21.60.070.

(GAAB Ord. No. 75-111; AO No. 79-169; AO No. 87-43)

**21.60.090 Duties of administrative agent.**

- A. The administrative agent shall grant or deny development permit applications in accordance with the provisions of this chapter, except that the platting board is directed and authorized to consider this chapter in relation to any matter brought before that board.
- B. The administrative agent shall maintain all records required by the Federal Insurance Administration and shall file an annual report with the federal insurance administrator. Form OMB 64-R1546 shall be used in accordance with 41 CFR 1909.22(b)(3)
- C. Additional duties and responsibilities of the administrative agent are as follows:
  - 1. *Permit review.* The administrative agent shall:
    - a. Review all flood hazard permits to determine that the permit requirements of this chapter have been satisfied.
    - b. Review all flood hazard permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
    - c. Review all flood hazard permits to determine if the proposed development is located in the floodway, and, if located in the floodway, ensure that the encroachment provisions of Section 21.60.060.A are met.
  - 2. *Use of other base flood data.* When base flood elevation data have not been provided in accordance with Section 21.60.020, the designated agent shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer Sections 21.60.050 through 21.60.080.
  - 3. *Information to be obtained and maintained.* The administrative agent shall:

- a. Obtain and record the actual elevation, in relation to mean sea level, of the lowest habitable 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 floodproofed structures:
    - (1) Verify and record the actual elevation, in relation to mean sea level; and
    - (2) Maintain the floodproofing certifications required in Section 21.60.065.A.4.
  - c. Maintain for public inspection all records pertaining to the provisions of this section.
4. *Duties regarding alteration of watercourses.* The administrative agent shall:
- a. Notify adjacent communities and the state coordinating agency 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 the watercourse so that the flood-carrying capacity is not diminished.
5. *Interpretation of FIRM boundaries.* The administrative agent shall make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazard, 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 21.60.100.

(AO No. 79-169)

#### **21.60.100 Appeal procedure.**

Appeals alleging error by the administrative agent charged with the enforcement or interpretation of this chapter may be taken to the zoning board of examiners and appeals in accordance with the provisions of Chapter 21.30.

(GAAB Ord. No. 75-111; AO No. 79-169)

#### **21.60.110 Standards and conditions for variances and appeals.**

- A. In passing upon variances or appeals, the zoning board of examiners and appeals 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 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 importance of the services provided by the proposed facility to the community;
  5. The necessity of 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 floodwaters and the effects of wave action, if applicable, 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 and water systems and streets and bridges.
- B. 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 level, providing the items in subsections A.1 through 11 of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- C. The zoning board of examiners and appeals may attach such conditions to the granting of variances or appeals as it deems necessary to further the purposes of this chapter.
- D. The administrative agent shall maintain the records of all variance and appeal actions and report any variances to the Federal Insurance Administration upon request.
- E. Conditions for variances are as follows:
1. 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 the remainder of this section.
  2. Variances shall not be issued within any designated floodway if any increase in flood levels during the basic flood discharge would result.
  3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  4. Variances shall only be issued upon:
    - a. A showing of good and sufficient cause;
    - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 5. 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.

(AO No. 79-169)