TITLE 14

ZONING

Chapters:

CHAPTER 14.04

ZONING ORDINANCE

Sections:

14.04.01 Zoning regulations The zoning regulation for the city of Lake City, Arkansas, prepared by the Lake City Planning Commission and adopted by it on October 26, 1981, after public hearing held October 22, 1981, are hereby adopted. Three copies of the zoning regulations above referred to are on file in the office of the City Clerk and are available for public inspection. This regulation shall amend the present Zoning Ordinance No. 75. (Ord. No. 1982-96, Sec. 1.)

14.04.02 Penalties Any person, firm, or corporation found guilty of violating any of the provisions of this ordinance shall be fined for each such violation as provided by A.C.A. 5-1-112. (Ord. No. 1982-96, Sec. 2.)

14.04.03 Amendments

Ord. No. 2002-195

Section 8 of the Zoning Ordinance of the city of Lake City is hereby excluded and deleted from said ordinance.

CHAPTER 14.08

FLOODPLAIN MANAGEMENT ORDINANCE

Sections:

14.08.01 Statutory authorization and purpose

A. Findings The City Council of the city of Lake City, Arkansas finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of Lake City, Arkansas, and that such damages may include: destruction of loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted. (Ord. No. 2000-180, Sec. 1.1)

B. Statement of purpose It is the purpose of this local law 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 to:

1. Regulate 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;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

4. Control filling, grading, dredging and other development which may increase erosion or flood damages;

5. Regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other land; and

6. Qualify and maintain for participation in the National Flood Insurance Program. (Ord. No. 2000-180, Sec. 1.2.)

C. Objectives The objectives of this local law are:

1. To protect human life and health;

2. To minimize expenditure of public money for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric telephone, sewer lines, streets and bridges located in areas of special flood hazard areas;

6. 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;

7. To provide that developers are notified that property is in an area of special flood hazard; and

8. To ensure that those who occupy the area of special flood hazard assume responsibility for their actions. (Ord. No. 2000-180, Sec. 1.3.)

14.08.02 Definitions

A-Zones A-Zones are found on all Flood Hazard Boundary Maps (FHBMs), Flood Boundary and Floodway Maps FBFMs). An A-Zone is an area that would be flooded by the Base Flood, and is the same as a Special Flood Hazard Area (SFHA) or a 100-year floodplain. These areas may be unnumbered as AE, AH, or AO Zones. Numbered A-Zones indicate an area's risk to flooding.

Alluvial fan flooding Alluvial fan flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition, and unpredictable flow paths.

Amortization period The length of time used to repay a debt or mortgage or to depreciate an initial cost.

Amortization rate The price or rate of premium per unit that is paid by a borrower for repayment of a debt or mortgage or by a purchaser to depreciate an initial cost.

Anchor A series of methods used to secure a structure to its footings or foundation wall so that it will not be displaced by flood or wind forces.

Backwater effect The rise in water surface elevation caused by some obstruction such as a narrow bridge opening, building, or fill material that limits the area through which the water must flow. Also referred to as "heading up."

Base flood A term used in the National Flood Insurance Program to indicate the minimum size flood to be used by a community as a basis for its flood-plain management regulations; currently required by regulation to be that flood which has a one-percent chance of being equaled or exceeded in any given year. Also known as a 100-year flood or one-percent chance flood.

Base flood elevation The elevation for which there is a one-percent chance in any given year that flood levels will equal or exceed it. The BFE is determined by statistical analysis for each local area and designated on the Flood Insurance Rate Maps. It is also known as the 100-year flood elevation.

Base floodplain The floodplain that would be inundated by one-percent chance (100-year) flood.

Basement Any area of the building having its floor subgrade (below ground level) on all sides.

Basin The total area from which surface runoff is carried away by a drainage system. Other comparable terms are "drainage area," "catchment area," and "watershed."

Berm A bank or mound of earth, usually placed against a foundation wall.

Breakaway walls Breakaway wall means a wall that is not part of the structural support of the building, and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Breakaway walls are required by NFIP regulations in coastal high-hazard areas (V-Zones) and are recommended in areas where flood waters could flow at significant velocities (usually greater than four feet per second) or could contain ice or other debris.

Building Code The regulations adopted by a local governing body setting forth standards for the construction, addition, modification, and repair of buildings and other structures for the purpose of protecting the health, safety, and general welfare of the public.

Channel A natural or artificial watercourse with definite bed and banks to confine and conduct flowing water.

Channel capacity The maximum flow that can pass through a channel without overflowing the banks.

Check valve A type of valve that allows water to flow one way, but automatically closes when water attempts to flow the opposite direction.

Closure A shield made of strong material, such as steel, aluminum, or plywood, used to temporarily fill in gaps in floodwalls, levees, or sealed structures that have been left open for day-to-day convenience at entrances such as doors and driveways.

Coastal high-hazard area Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Column Upright support units for a building, set in predug holes and backfilled with compacted material. Columns will often require bracing in order to provide adequate support. They are also known as posts, although they are usually of concrete or masonry construction.

Community Community means any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska native village or authorized native organization, which has the authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

Cross section A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.

Debris impact loads Sudden loads induced on a structure by debris carried by flood water. Though difficult to predict, allowances for impact loads must be made when floodproofing a structure.

Designated floodway The channel of a stream and that portion of the adjoining floodplain designated by a regulatory agency to be kept free of further development to provide for unobstructed passage of flood flows.

Design flood Commonly used to mean magnitude of flood used for design and operation of flood control structures or other protective measures. It is sometimes used to denote the magnitude of flood used in floodplain regulations.

Development 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 or of equipment or materials.

Dry floodproofing A floodproofing method used to design and construct building so as to prevent the entrance of floodwaters.

Elevation The placement of a structure above flood level to minimize or prevent flood damages.

Emergency program Emergency Flood Insurance Program or emergency program means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

Enabling statute A state law that transfers some of the police power residing in the state to localities within it for the purposes of zoning, subdivision, regulation, building codes, and the like.

Encroachment Any physical object placed in a floodplain that hinders the passage of water or otherwise affects flood flows, such as landfills or buildings.

Erosion Erosion means the process of the gradual wearing away of land masses. This peril is not *per se* covered under the program.

Existing construction Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Extended foundation The construction of additional wall above existing foundation walls in order to elevate a structure above flood levels.

Federal Emergency Management Agency (FEMA) This agency was created in 1979 to provide a single point of accountability for all federal activities related to disaster mitigation, emergency preparedness, response, and recovery.

Federal Insurance Administration (FIA) The government unit, a part of FEMA, that administers the National Flood Insurance Program.

Fill Material such as earth, clay, or crushed stone that is dumped in an area and compacted to increase ground elevation.

Flash flood A flood that crests in a short length of time and is often characterized by high velocity flow. It is often the result of heavy rainfall in a localized area.

Flood or flooding 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.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in (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.

B. The collapse or subsidence of land along the shore of a lake or other body 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 (A)(1) of this definition.

Flood Boundary Floodway Map (FBFM) The FBFM is a map that may be included with a Flood Insurance Study printed prior to 1986. It identifies the floodway, and along with the study, provides the technical basis for floodplain management regulations.

Flood control Keeping flood waters away from specific developments or populated areas by the construction of flood storage reservoirs, channel alterations, dikes and levees, bypass channels, or other engineering works.

Flood crest The maximum stage or elevation reached or expected to be reached by the waters or a specific flood at a given location.

Flood disaster assistance Flood disaster assistance includes development of comprehensive preparedness and recovery plans, program capabilities, and organization of federal agencies and of state and local governments to mitigate the adverse effects of disastrous floods. It may include maximum hazard reduction, avoidance, and mitigation measures, as well as policies, procedures, and eligibility criteria for federal grant or loan assistance to state and local governments, private organizations, or individuals as the result of the major disaster.

Flood duration The length of time a stream is above flood stage or overflowing its banks.

Flood fighting Actions taken immediately before or during a flood to protect human life and to reduce flood damages such as evacuation, emergency sandbagging and diking, and provision of assistance to flood victims.

Flood forecasting The process of predicting the occurrence, magnitude, and duration of an imminent flood through meteorological and hydrological observations and analysis.

Flood frequency A statistical expression of the average time period between floods equaling or exceeding a given magnitude. For example, a 100-year flood has a magnitude expected to be equaled or exceeded on the average of once every hundred years; such a flood has a one-percent chance of being equaled or exceeded in any given year. Often used interchangeably with recurrence interval.

Flood fringe That portion of the floodplain that lies beyond the floodway and serves as a temporary storage area for flood waters during a flood. This section receives waters that are shallower and of lower velocities that those of the floodway.

Flood hazard Flood hazard if the potential for inundation and involves the risk of life, health, property, and natural value. Two reference bases are commonly used:

A. For most situations, the base flood is that flood which has a one-percent chance of being exceeded in any given year (also known as the 100-year flood);

B. For critical actions, an activity for which a one-percent chance of flooding would be too great, at a minimum the base flood is that flood which has a 0.2 percent chance of being exceeded in any given year (also known as the 500-year flood).

Flood Hazard Boundary Map (FHBM) Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM) Flood Insurance Rate Map (FIRM) means an official map of a community, on which the administer has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Rate Zone A zone identified on a Flood Insurance Rate Map (FIRM) as subject to a specified degree of flood, mudslide (mudflow), or flood-related erosion hazards, to which a particular set of actuarial rates and floodplain management requirements applies.

Flood Insurance Study (FIS) Flood Insurance Study or 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.

Floodplain Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain management 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 preservation The prevention or modification of the natural floodplain environment or maintenance of the floodplain environment in a condition as close as possible to its natural state using all practicable means.

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

Floodplain restoration Floodplain restoration is the re-establishment of a setting or environment in which the natural functions of the floodplain can again operate.

Floodplain values Those natural and beneficial attributes associated with the relatively undisturbed state of the floodplain and include values primarily associated with water, living, and cultural resources.

Flood profile A graph showing the relation of water surface elevation to a specific location, the latter generally expressed as distance above the mouth of a stream of water flowing in an open channel. It is generally drawn to show surface elevation for the crest of a specific magnitude of flooding, but may be prepared for conditions at any given time or stage.

Floodproofing Any combination of structural and non-structural addition, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.

Floodwall A constructed barrier of resistant material, such as concrete or masonry block, designed to keep water away from a structure.

Floodway 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.

Flood warning The issuance and dissemination of information about an imminent or current flood.

Flood zones Zones on the Flood Insurance Rate Map (FIRM) in which the risk premium insurance rates have been established by a Flood Insurance Study.

Zone symbol

A Area of special flood hazard without water surface elevations determined.

A1-30, AE Area of special flood hazard with water surface elevations determined.

AO Area of special flood hazard having shallow water depths and/or unpredictable flow paths between one and three feet.

A-99 Area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes.

AH Area of special flood hazard having shallow water depths and/or unpredictable flow paths between one and three feet and with water surface elevations determined.

B, X Area of moderate flood hazard.

C, X Area of minimal hazard.

D Area of undetermined but possible flood hazard.

Footing The enlarged base of a foundation wall, pier, or column, designed to spread the load of the structure so that it does not exceed the soil bearing capacity.

Foundation The underlying structure of a building, usually constructed of concrete, that supports the foundation walls, piers, or columns.

Foundation walls A support structure that connects the foundation to the main portion of the building or superstructure.

Freeboard Freeboard means a factor or safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave actions, bridge openings, and the hydrological effect of urbanization of the watershed.

Groundwater recharge The infiltration of water into the earth. It may increase the total amount of water stored underground or only replenish supplies depleted through pumping or natural discharge.

Human intervention The required presence and active involvement of people to enact floodproofing or retrofitting measures prior to flooding.

Hydrodynamic loads Forces imposed on structures by floodwater due to the impact of moving water.

Hydrograph A graph that charts the passage of water as a function of time. It shows flood stages, depicted in feet above mean sea level or gage height, plotted against stated time intervals.

Hydrology The science of the behavior of water in the atmosphere, on the earth's surface, and underground.

Hydrostatic loads Forces imposed on an object, such as a structure, by standing water.

Impact loads Loads induced by the collision of solid objects on a structure carried by floodwater. Debris can include trees, lumber, displaced sections of structures, tanks, runaway boats, and chunks of ice. Debris impact loads are difficult to predict accurately, yet reasonable allowances must be made for them in the design of potentially affected structures.

Infiltration The flow of fluid into a substance through pores or small openings. The word is commonly used to denote the flow of water into soil.

Interior grade beam A section of a floor slab that has a thicker section of concrete to act as a footing to provide stability under load-bearing or critical structural walls.

Levee Levee means a man-made 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.

Level of protection The greatest flood level against which a protective measure is designed to be fully effective.

Lift A layer of soil that is compacted before the nest layer is added in the construction of a fill pad or levee.

Manufactured home A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term does not include a "recreational vehicle."

Mean sea level 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 Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP) The federal program, created by an act of Congress in 1968 that makes flood insurance available in communities that enact satisfactory floodplain regulations.

New construction New construction means structures for which the "start of construction" on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvement to such structures.

Non-structural floodplain Those measures, such as floodproofing, employed to modify the exposure of buildings to floods and use planning, warning schemes, and insurance as opposed to structural measures (such as dams, levees, and channel modifications).

Non-velocity coastal flood area Any area that is subject to inundation by tidal waters that has lower velocity or wave components than a Coastal High Hazard Area.

One Hundred (100)-Year Flood The flood elevation that has a one-percent chance of being equaled or exceeded in any given year. It is also known as the base flood.

Permeability The property of soil or rock that allows water to pass through it.

Pier An upright support member of a building, with a height limited to a maximum of three times its least lateral dimension. It is designed and constructed to function as an independent structural element in supporting and transmitting building and environmental loads to the ground.

Pile An upright support member of a building, usually long and slender in shape, driven into the ground by mechanical means and primarily supported by friction between the pile and the surrounding earth. Piles often cannot act as individual support units, and require bracing to other pilings.

Post Long upright support units for a building that are set in pre-dug holes and backfilled with compacted material. Each post usually requires bracing to other units. They are also known as columns, although they are usually made of wood.

Primary cost The cost of providing the basic floodproofing feature – elevation, flood shield, floodwall, or levee.

Probable maximum The most severe flood that may be expected from a combination of the most critical meteorological and hydrological conditions that are reasonably possible in the drainage basin. It is used in designing high risk flood protection works and siting structures and facilities that must be subject to almost no risk of flooding. The probable maximum flood is usually much larger than the 100-year flood.

Profile A graph or plot of the water surface elevation against distance along a channel, also termed flood profile if drawn for a specific flood or level of flooding.

Recurrence interval A statistical expression of the average time between floods equaling or exceeding a given magnitude (see flood frequency).

Regulatory Flood Datum (RFD) Established plane of reference from which elevation and depth of flooding may be determined for specific locations of the floodplain. It is the base flood plus a freeboard factor of safety established for each particular area that tends to compensate for the many unknown and incalculable factors that could contribute to greater flood heights than that computed for a base flood.

Regulatory floodplain That portion of the floodplain subject to floodplain regulations (usually the floodplain inundated by the one-percent chance flood).

Regulatory floodway Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reversed in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Regular program Regular program means the program authorized by the Act under which risk premium rates are required for the first half of available coverage (also known as "first layer" coverage) for all new construction and substantial improvements started on or after the effective date of the FIRM, or after December 31, 1974, for FIRM's effective on or before that date.

Relocation The moving of a structure from a flood area to a new location, normally to one where there is no threat of flooding.

Reservoir A natural or artificially created pond, lake, or other space used for storage, regulation, or control of water. May be either permanent or temporary.

Retrofitting Floodproofing measures taken on an existing structure.

Riprap Broken stone, cut stone blocks, or rubble that is placed on slopes to protect them from erosion or scouring caused by flood waters or wave action.

Riverine Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Runoff That portion of precipitation that is not intercepted by vegetation, absorbed by the land surface, or evaporated, and thus flows overland into a depression, stream, lake, or ocean (runoff, called immediate subsurface runoff, also takes place in the upper layers of the soil).

Scouring The erosion, or washing away, of slopes or soil by velocity waters.

Seepage The passage of water or other fluid through a porous medium, such as the passage of water through an earth embankment or masonry wall.

Slab on grade A structural design where the first floor sits directly on a poured concrete slab that sits directly on the ground.

Special hazard area Special hazard area means an area having special flood, mudslide (i.e., mudflow) and/or floor-related erosion hazards, as shown on a FHBM or FIRM as Zone A, AOA, A1-30, AE, A99, VO, V1-30, VE, V, M, or E.

Standard project flood A term used by the U.S. Army Corps of engineers to designate a flood that may be expected from the most severe combination of meteorological and hydrological conditions that is considered reasonably characteristics of the geographical area in which the drainage basin is located, excluding extremely rare combinations. The peak flow for a standard project flood is generally 40 to 60 percent of the probably maximum flood for the same location.

State coordinating agency State coordinating agency means the agency of the state government, or other office is designated by the Governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

Stile A set of stairs to allow access over an obstruction, such as a floodwall.

Stream A body of water flowing in a natural surface channel. Flow may be continuous or only during wet periods. Streams that flow only during wet periods are termed "intermittent streams."

Structural mat slab The concrete slab of a building that includes structural reinforcement to help support the building's structure.

Structural floodplain management measures Those physical or engineering measures employed to modify the way floods behave; examples include dams, dikes, levees, channel enlargements, and diversions.

Structure A walled and roofed building, including a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home.

Subdivision regulations Ordinances or regulations governing the subdivision of land with respect to things such as adequacy and suitability of building sites and utilities and public facilities.

Subsidence Sinking of the land surface, usually due to withdrawals of underground water, oil, or minerals.

Subsidized rates Subsidized rates means the rules established by the Administrator involving in the aggregate a subsidization by the federal government.

Substantial improvement Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either :

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living condition or

B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Under-seepage Seepage along the bottom of a structure, floodwall, or levee, or through the layer of earth beneath it.

Variance Variance means a grant of relief by a community from the terms of a floodplain management regulation.

Venting A system designed to allow waters to enter an enclosure, usually the interior of foundation walls, so that the rising water does not create a dangerous differential in hydrostatic pressure. This is usually achieved through small openings in the wall, such as a missing or rotated brick or concrete block or small pipe.

Watercourse A natural or artificial channel in which a flow of water occurs either continually or intermittently.

Watershed An area that drains to a single point. In a natural basin, this is the area contributing flow to a given place or stream.

Water surface elevation Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal rivertine areas.

Water table The uppermost zone of water saturation in the ground.

Wetlands Areas that are inundated or saturated at a frequency and for a duration sufficient to support a prevalence of vegetative or aquatic life requiring saturated or seasonally saturated soil conditions for growth and reproduction.

Zoning ordinance An ordinance under the state or local government's police power that divides an area into districts and, within each district, regulates the use of land and buildings, height and bulk of buildings or other structures, and the density of population. (Ord. No. 2000-180, Sec. 2.0.)

14.08.03 General provisions

A. Lands to which this local law applies This local law shall apply to all areas of special flood hazard within the jurisdiction of the city of Lake City. (Ord. No. 2000-180, Sec. 3.1.)

B. Basis for establishing the areas of special flood hazard The areas of special flood hazard are identified and defined on the following documents by the Federal Emergency Management Agency:

1. Flood Insurance Rate Map (single panel) No. 05031C0175C, whose effective date is September 27, 1991.

2. Flood Insurance Rate Map (multiple panels) Index No. 05031C0000, whose effective date is September 27, 1991.

3. A scientific and engineering report entitled "Flood Insurance Study, Craighead County, Arkansas, and Incorporated Areas" dated September 27, 1991.

The above documents are hereby adopted and declared to be a part of this local law. The Flood Insurance Study and/or Maps are on file at the City Clerk's office in City Hall at Lake City, Arkansas. (Ord. No. 2000-180, Sec. 3.2.)

C. Interpretation and conflict with other laws This local law includes all revisions to the National Flood Program through November 1, 2989, and shall superseded all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern. (Ord. No. 2000-180, Sec. 3.3)

D. Severability The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof. (Ord. No. 2000-180, Sec. 3.4)

E. Penalties for non-compliance No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than Two Hundred Fifty Dollars ($250.00), or imprisoned for not more than fifteen (15) days or both. Each day of non-compliance shall be considered a separate offense. Nothing herein contained shall prevent the governing body of the city of Lake City, Arkansas, from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under 14.08.06 will be declared non-compliant and notification sent to the Federal Emergency Management Agency. (Ord. No. 2000-180, Sec. 3.5)

F. Warning and disclaimer of liability The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the city of Lake City, Arkansas, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made thereunder. (Ord. No. 2000-180, Sec. 3.6)

14.08.04 Administration

A. Designation of the local administrator The Planning and Zoning Commission is hereby appointing a local administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions. (Ord. No. 2000-180, Sec. 4.1)

B. THE FLOODPLAIN DEVELOPMENT PERMIT
Purpose A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in 14.08.03 (3.2), without a valid floodplain development

permit. Application for a permit shall be made on forms furnished by the local administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in questions; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. (Ord. No. 2000-180, Sec. 4.2.1)

C. Fees All applications for a floodplain development permit shall be accompanied by an application fee of Twenty Dollars ($20.00). In addition, the applicant shall be responsible for reimbursing the city of Lake City for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than Five Hundred Dollars ($500.00) to cover these additional costs. (Ord. No. 2000-180, Sec. 4.2.2)

D. Application for a permit The applicant shall provide at least the following information where applicable. Additional information may be required on the permit application form.

1. The proposed elevation, in relation to mean sea level of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permitted shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

2. The proposed elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of any new of substantially improved structure to be located in Zones V1-V30 or VE, or Zone V if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation certified by a licensed professional engineer or surveyor.

3. The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation certified by a professional engineer or surveyor.

4. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in 14.08.05 (5.2-3, Utilities.

5. A certificate from a licensed professional engineer or architect that any residential floodproofed structure will meet the floodproofing criteria in 14.08.05(5.5).

6. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in 14.08.03 (3.2), when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

7. A technical analysis by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.

8. In Zone A, when no base, flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

9. In Zones V1-V30 and VE, and also Zone V if base flood elevation are available, designs and specifications, certified by a licensed professional engineer or architect, for any breakaway walls in a proposed structure with design strengths in excess of 20 pounds per square foot.

10. In Zones V1-V30 and VE, and also Zone V if base flood elevation are available, for all new and substantial improvements to structures, floodplain development permit applications shall be accompanied by design plans and specifications, prepared in sufficient detail to enable independent review of the foundation support and connection components. Said plans and specification shall be accompanied by a statement, bearing the signature of the architect or engineer, certifying that the design and methods of construction to be used are in accordance with accepted standards of practice and with all applicable provision of this local law. (Ord. No. 2000-180, Sec. 4.3)

E. Duties and responsibilities of the local administrator Duties of the local administrator shall include, but not be limited to the following. (Ord. No. 2000-180, Sec. 4.4)

F. Permit applications review The local administrator shall conduct the following permit application review before issuing a floodplain development permit:

1. Review all applications for completeness, particularly with the requirements of subsection 14.08.04 (4.3), and for compliance with the provisions and standards of this law.

2. Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of 14.08.05 and in particular subsection 5.1.2.

3. Determine whether any proposed developments in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may required the applicant to submit additional technical analysis and data necessary to complete the determination.

   If the proposed development may result in physical damage to any other property of fails to meet the requirements of 14.08.05, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

4. Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law. (Ord. No. 200-180, Sec. 4.4.1)

G. Use of other flood data

1. When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM), but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM), nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to paragraph 4.3 (8) criteria for requiring that new construction, substantial improvements or other proposed development, meet the requirements of this law.

2. When base flood elevation data are not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law. (Ord. No. 2000-180, Sec. 4.4.2)

H. Alteration of watercourses Notification to adjacent communities and the State Department of Environmental Conservation prior to permitting any alteration of relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Federal Emergency Management Agency. (Ord. No. 2000-180, Sec. 4.4.3)

I. Construction state

1. In Zones A1-130, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

2. In Zones V1-V30 and VE, and also Zone V if base flood elevation data are available, upon placement of the lowest floor of a new or substantially improved structure, the permit holder shall submit to the local administrator a certificate of elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest flood (excluding pilings and columns). For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structures on the site. An elevation certificate must also be submitted for a recreational vehicle if it remains on a site 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

3. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected. (Ord. No. 2000-180, Sec. 4.4.4)

J. Inspections The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions. (Ord. No. 2000-180, Sec. 4.4.5)

K. Stop work orders

1. The local administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in 14.08.03 (3.5) of this local law.

2. The local administrator shall issue, or cause to be issued, a stop order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in 14.08.03 (3.5) of this local law. (Ord. No. 2000-180, Sec. 4.4.6)

L. Certificate of compliance

1. In areas of special flood hazard as determined by documents enumerated in 14.08.03 (3.2), it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use of structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this local law.

2. A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.

3. Issuance of the certificate shall be based upon the inspections conducted as prescribed in 14.08.04 (4.4.5), and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit. (Ord. No. 2000-180, Sec. 4.4.7)

M. Information to be retained The local administrator shall retain and make available for inspection, copies of the following:

1. Floodplain development permits and certificates of compliance;
2. Certificates of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4.4(1) and 4.4.4(2) of 14.08.04, and whether or not the structures contain a basement;
3. Floodproofing certificates, required pursuant to subsection 4.4.4(1) of 14.08.04, and whether or not the structures contain a basement;
4. Certificates required pursuant to sub-section 4.4.14, and paragraph (10) of 14.08.04(4.3;

5. Variances issued pursuant to 14.08.06; and,
6. Notices required under sub-section 14.08.04 (4.4.4).
(Ord. No. 2000-180, Sec. 4.4.8)

14.08.05 Construction standards

A. General standards The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in 14.08.03. (Ord. No. 2000-180, Sec. 5.1)

B. Subdivision proposals The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

1. Proposals shall be consistent with the need to minimize flood damage;
2. Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
3. Adequate drainage shall be provided to reduce exposure to flood damage.

C. Encroachments

1. Within Zones Aa1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless;

   a. The applicant demonstrates 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 location, or,

   b. The Planning and Zoning Commission agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the city of Lake City for all fees and other costs in relation to the application. The applicant must also provide all data, for all costs related to the final map revision.

2. On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in 14.08.03, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

a. A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,

b. The Planning and Zoning Commission agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburse the city for all costs related to the final map revisions. (Ord. No. 2000-180, Sec. 5.1.2)

D. Standards for all structures New structures and substantial improvements to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

E. Construction materials and methods

1. New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.

2. New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

3. For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or Ah, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

a. 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; and

b. The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

4. Within Zones V1-V30 and VE, and also within Zone V if base flood elevation are available, new construction and substantial improvements shall have the space below the lowest floor either free from obstruction or constructed with non-supporting breakaway walls, open wood latticework or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. The enclosed space below lowest floor shall be used only for parking vehicles, building access or storage. Use of this space for human habitation is expressly prohibited. The construction of stairs, stairwells and elevator shafts are subject to the design requirements for breakaway walls. (Ord. No. 2000-180, Sec. 5.2.2)

F. Utilities

1. Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating, and air-conditioning equipment, hot water heaters, appliances, elevator lift machinery, and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineers or architects certification of the design is required;

2. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow devices that are installed in each discharge line passing through a buildings exterior wall; and,

4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. No. 2000-180, Sec. 5.2)

G. Residential structures (except coastal high hazard areas The following standards, in addition to the standards in subsection 5.1.2, and 5.1.3, and 5.2, apply to structures located in areas of special flood hazard as indicated:

1. Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above the base flood level.

2. Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

3. Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map, enumerated in 14.08.03.2 (at least two feet if no depth number is specified).

4. Within zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes. (Ord. No. 2000-180, Sec. 5.3)

H. Non-residential structures (except coastal high hazard areas) The following standards apply to new and substantially improved commercial, industrial and other non-residential structures, in addition to the requirements in sub-sections 5.1.2 and 5.1.3 and 5.2.

1. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:

   a. Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or

   b. Be floodproofed so that the structure is watertight below base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

2. Within Zone AO, new construction and substantial improvements of non-residential structures shall:

a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

b. Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in 14.08.5.5.

3. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of 14.08.05 (5.5)(1)(b), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

4. Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

5. Within zone 1, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade. (Ord. No. 2000-180, Sec. 5.4)

I. Manufactured homes and recreational vehicles

1. The following standards in addition to the standards in 14.08.05 (5.1), and (5.2) apply in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard. Recreational vehicles placed on sites within Zones A1-A30, AE, AH, V1-130, V and VE shall either:

   a. Be on site fewer than 180 consecutive days/
   b. Be fully licensed and ready for highway use, or
   c. Meet the requirements for manufactured homes in paragraphs 5.7(2), (4), and (5).

   A recreational vehicle is ready for highway use if wheels or jacking system is attached to the site disconnect type utilities and security devices and has no permanently attached additions.

2. A manufactured home that is placed or substantially improved in Zones A1-A30, AE, AH, V1-V30 or VE that is on a site either:

a. Outside of an existing manufactured home park, or subdivision;
b. In a new manufactured home park or subdivision as herein defined;
c. In an expansion to an existing manufactured home park subdivision as herein defined; or
d. In an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as a result of a flood

shall within Zones A1-A30, AE, and AH, be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and movement; or, within Zones V1-V30 and VE be elevated on a pile foundation such that the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) is elevated to or above the base flood elevation and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include but are not limited to, use of over-the-top or frame ties to ground anchors.

3. A manufactured home to be placed or substantially improved in Zone A1-A30, AE, AH, V1-V30 or VE, in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be:

   a. Elevated in a manner such as required in 5.7(2), or
   b. Elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

4. Within Zones A or V, when no base flood elevation data are available, new and substantially improved manufactured homes shall have the floor elevated at least three feet above the highest adjacent grade.

5. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in 14.08.03.2 (at least two feet if no depth number is specified). (Ord. No. 2000-180, Sec. 5.5)

14.08.06 Variance procedure

A. Appeals Board

1. The Board of Adjustment as established by the city of Lake City shall hear and decide appeals and requests for variances from the requirements of this local law.

2. The Board of Adjustments shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this local law.

3. Those aggrieved by the decision of the Board of Adjustment may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

4. In passing upon such applications the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:

   a. The danger that materials may be swept onto other lands to the injury of others;
   b. The danger to life and property due to flooding or erosion damage;
   c. The susceptibility of the proposed facility and its contents to flood damage and the effects of individual owner;
   d. The importance of the services provided by the proposed facility to the community;
   e. The necessity to the facility of a waterfront location, where applicable;
   f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
   g. The compatibility of the proposed use with existing and anticipated development;
   h. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
   i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
   j. The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
   k. 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

l. The costs of providing governmental services during and after flood conditions, including search and rescue operations maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

5. Upon consideration of the factors of 14.08.06 (6.1) and the purposes of this local law, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.

6. The local administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request. (Ord. No. 2000-180, Sec. 6.1)

B. Condition for variances

1. 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 items (a-l) in 14.08.06.1 (4) have been fully considered.

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

2. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:

a. The proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure."

b. The variance is the minimum necessary to preserve the historic character and the design of the structure.

3. Variances may be issued by a community for new construction and substantial improvements and for other developments necessary for the conduct of a functionally dependent use provided that:

a. The criteria of subparagraphs 1, 4, 5, and 6 of this section are met;

b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

4. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

6. Variances shall only be issued upon receiving written justification of:

   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 flooding 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 or ordinance.

7. Any applicant to whom a variance is granted for a building with the lowest flood below the base flood elevation shall be given written notice over the signature of a community official that the cost of flood insurance will be commensurate with the increased risk resulting from lowest flood elevation. (Ord. No. 2000-180, Sec. 6.2)

CHAPTER 14.12

IMPROVEMENT DISTRICT NUMBER ONE

Sections:

14.12.01 Established There is hereby established an improvement district embracing all of the real property situated within the corporate limits of the city of Lake city, Arkansas, for the purpose of constructing sewage treatment facilities in the form of an oxidation lagoon and necessary pumping stations, force mains, outlet structures and necessary appurtenances and earth work associated therewith, including administrative, engineering and other necessary expenses incidental to the proposed construction and to the issuance of bonds.

Said district shall be known as Lake City Sewer Improvement District Number One. Gene Gardner, S.F. Marin and Oliver Armstrong are hereby named commissioners, who shall compose the Board of Improvement for said district. (Ord. No. 1962-42, Sec. 1.)

14.12.02 Assessment of value of benefits Several blocks, lots and parcels of real property in said district be assessed according to the assessment list for said improvement district as the same now remains in the office of the City Recorder, and that two and one-half percent (2 ½%) of the assessment of each of said blocks, lots and parcels shall be collected and paid with the first installment of general taxes becoming due in the year 1964, and annually thereafter with the first installment of general taxes until the whole of said local assessment shall be paid. (Ord. No. 89-120, Sec. 1.)

CHAPTER 14.16

ANNEXING AND RE-ZONING OF PROPERTY

Sections:

14.16.01 Annexing

Ord. No. 1974-58	Part of Secs. 21, 22, 27 & 28, Twp 14 N, Range 6 East
Ord. No. 2004-4	Part of County Rd. 821 from Lake St. to Charles St. – Lake St.
Ord. No. 2004-206	200 ft of Part of SW ¼ of Sec. 28, Twp 14 N, Range 6 East
Ord. No. 2006-219	Part of SE ¼ of N ½ of Sec. 29, Twp 14 N, Range 6 East
	Part of SE ¼ of Sec. 21, Twp 14 N, Range 6 East
	Part of SW ¼ of NE ¼ of Sec. 28, Twp 14 N, Range 6 East

14.16.02 Re-zoning

Ord. No. 1990-123	From A to R-2	SW ¼ of Sec. 27, Twp 14 N, Range 6 East
Ord. No. 2001-185	From A to C	Part of NE ¼ of Sec. 28, Twp 14 N, Range 6 East