ORDINANCE NO.

RM 11 18 *88 MAR 29

CO. & PROBATE CLERK BENTON, COUNTY, ARK. MARY L. SLINKARD AN THE OF ARKANSAS COURT

AGE PREVENTION BENTON COUNTY ORDINANCE PROVIDING FOR OF A FLOOD DAMAGE PROGRAM FOR BEI PURPOSES, LISHMENT O OTHER

BENTON, STATE OF TO BE ENTITLED:

OUORM

ENACTED BY THE

COUNTY OF

ORDINANCE

ADOPTED flood Sections norma Q code State available CODE reference in following Benton County 1969). A copy all be filed i regulatory during Statutes REGULATORY pe shall b by the legislature shall hereby adopted for any per include damage prevention Arkansas ed regulatory code ships County Clerk and sand copying by any Fire code shall include of PREVENTION code 629 prevention regulatory the forth in (Act FLOOD DAMAGE been delegated by set fort 21-1904 There is flood The the referenced of Arkansas and a 21-1901 throof th inspections ce hours. office of such tion 1. F REFERENCE. Arkansas damage office the for

findings and methods authorization, Statutory of fact, p ARTICLE

purpose of fact, pu Definitions

General provisions ARTICLE ARTICLE

flood hazard Provisions for ARTICLE

reduction

separate offense not violates fined Q each L S this code may be to (\$100.00) for eviolation exists who neasure adopted under this code ma hundred dollars such which day during uo than Section offense more

repealed in herewith or is hereby conflict code adopted herein in ordinance the Any with സ conflict Section

NORWOOD A. E.

DATE

ATTEST:

CLERK COUNTY NKARD, MARY

ת'מיים החוג

Revised as of January 28, 1988

FLOOD DAMAGE PREVENTION CODE

OUTLINE

Cross Ref. NFIP Regs.				59.1	60.(b) (l)		60.3 (b)(.		60.3(b)(1	60.3(b)(1 60.6(a)		60.3(b)(1 60.3(b)(1 60.3(b)(60.3(b)(1 60.3(b)(1 60.3(b)(1
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		STATUTORY AUTHORIZATION, FINDING OF FACT PURPOSE AND METHODS	Statutory Authorization	DEFINITIONS	GENERAL PROVISIONS7	ance App e Areas	Establishment of Development Permit7 Compliance	ADMINISTRATION8	ion n.	Administrator	PROVISIONS FOR FLOOD HAZARD REDUCTION	General Standards
7		Н.	A M O D	2	m	BB	O U E E O	4		a nu	'n	A B L S E S
		ARTICLE	SECTION SECTION SECTION SECTION	ARTICLE	ARTICLE	SECTION	SECTION SECTION SECTION SECTION	ARTICLE	SECTION	SECTION	ARTICLE	SECTION SECTION SECTION

FLOCU DAMAGE PREVENTION CODE

ARTICLE :

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

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	ECTION :

Act 629 of 1969	delegated the responsibility to local governmental units to adopt regulation designed to minimize flood losses. Therefore, the Quorum Court
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Act	s to ado
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has in	201
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SAS	gove
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J 0	055
The Legislature of the State of Arkansas	lity od l
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ordain does Arkansas County Benton 0 F

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follows:

SECTION B. FINDINGS OF FACT

- ife and property, and governmental flood protection safety subject are helath, and ife public for commerce 0 f expend i tures County the in loss 0 F affect Benton disruption results adversely public flood hazard areas of Which Ith and safety hazards, vices, and extraordinary relief, all of which ad general welfare. inundation periodic The services, health and and
- flood heights areas by uses are effect they from areas other lands becuase the cumulative protected by the cumulati an increase in occupancy of flood hazards otherwise created which cause to 0 hazardous floodproofed are lood losses floodplains by the and elevated, floods flood and , L velocitles, These to obstructions inadequately vulnerable and

SECTION C. STATEMENT OF PURPOSE

safety due to health, losses to: public private specific areas by provisions designed the pue promote code to promote to minimize public to tnis and purpose of welfare flood conditions in general the Š and

- (1) Protect human life and health;
- control flood costly money for public OF expenditure Minimize projects;
- relief efforts associated general the 0 F expense the and at rescue undertaken for generally the need and Minimize flooding (3) public;
- (4) Minimize prolonged business interruptions;
- 2 and streets utilities lines, and Sewer facilities and telephone public water and gas mains, electric, bridges located in floodplains; c) damage Minimize (2)

ARTICLE 2

DEFINITIONS

mean-its nsed the code phrases them this Or give words , to 0 to be interpreted common usage and below application. defined specifically code shall i L asonable have code they Unless s in this most ing

Plair this f the Flood provision of of any review of any variance request for a r interpretation d for request Arreal- means a or code

Ü flood Ď RM, year. The Flood Hazard has 0 percent the ratemaking rion of the AH in AE, land one detailed rate publication given the A N the Zones to on in any ا. د subject refined into Zone HAZARDfor After community so > a S preparation 020 be designated Map (FHBM). FLOOD VE is V1-30, SPECIAL usually Ø chance within in VO, completed may Boundary OFF greater A1-99, plain area one

chanc percent given year one having a any in exceeded the flood OL BASE FLOOD- means of being equalled

0 identifi-which the which would readily without system an integral and system, entire the lood protection provided by the means of a flood FEATUREprotection compromised able part CRITICAL

un tilling, of dredging, filli g operations. e construction o efinition improved limited the in eans any man-made chaus

1 estate, including but not

2 structures, mining, dro change in ig but not g operations including the buildings are exempt from or other means paving, real farming development DEVELOPMENT-Normal farm inhabitable unimproved buildings grading,

60 walls O 80 (II) the th to Zones Section sol also Waters meeting anchored AE shear walls parallel AE, sufficient of "elevated though of the floor OL breakaway means a nonbasement building (... of a building in Zones Al-30, C, X and D, ; to have the top of in the case of a building in ? lowest Program A1-30, building" of fill c intergrity of the magnitude flood es VI-30, VE, VE or V, "ele ludes a building otherwise "elevated building", even t of elevated adequately the standards Zones openings Insurance O F of of the case of Zoo , D, "elevated elevated by means walls with openi the unimpeded movement Zones VI-30, VE, VE or enclosed by means the level by bottom the structural i up to the of meet th X, D, the member Walls the ground and piers), includes breakaway walls not the National to have BUILDING-means Water H walls ς O the perimeter structure A, A99, AO, AH, B, C includes a building or and during a alse flood. case of Ø the impair AC, AH, B horize... elevated above columns (posts ling" also lefinition of lower area foundation per to facilitate the 00 building dur of the base the case horizontal VE in not to elevated Vl-30, VE ELEVATED gul build the ผ In

continued N ARTICLE

on condit řy. empora normally and To al a general OR FLOODING-means from: partial FLOOD areas of

- waters
- 0 runoff inland or tidal waters rapid accumulation or source. any of and overflow unusual a from Waters the surface

map HAZARD BOUNDARY MAP (FHBM) -means an official map community on which the Federal Emergency Manage-Agency has delineated the boundaries of the flood, ide (i.e., mudflow) related erosion areas having areas having Zone S S designated been have ment Agency has mudslide (i.e., special hazards FLOOD of or

9 are land from a FLOODPLAIN OR FLOOD-PRONE AREA-means any susceptible to being inundated by water f (see definition of flooding).

specifically appropriated ane structur have been constructed specification of subject to a "special flood as systems typically includes hurric dams, reservoirs, levees, or dikes. of the depths of associated are those angineering SYSTEM-means those physical unds have been authorized, Works Bounds barriers, dams, reservoirs, specialized flood modifying with order conformance community ich funds ha n a communicy to modify flooding in PROTECTION for which Such in expended within and constructed flooding. hazard" FLOOD Works tidal These and

earthen CO ment, designed and constructed in accordance engineering practices to contain, control or the flow of water so as to provide protection emporary flooding. structure, usually an man-made Q temporary means embankment, ivert LEVEEsøund divert

structures which sound 215 levees, and associated nage devices, which ard in accordance with so flood protection ure and drainage and operated in practices. 00 Q levee, means consists of a le such as closure constructed and SYSTEMengineering LEVEE

in violation considered enclosur 0 area (including basement). An unfinished resistant enclosure, usable solely for vehicles, building access or storage in ther than a basement area is not conside t floor; provided that such encle to render the structure in viole non-elevation design requirement e National Flood Insurance Progre a base floor; parking or vehicles, an area other than a a building's lowest f FLOOR- means the as applicable 80 of not built enclosed or flood parking o Section the j. S of

utilities. For flood plain management purposes "manufactured home" also include also a structure transportable which is built on a 0 With for use designed means sections, chassis and is HOMEmore MANUFACTURED 0 permanent d reguired the term without in

ARTICLE 2 cont.

Flood Datum Rate MEAN SEA LEVEL- means, for purposes of the National Insurance Program, the National Geodetic Vertical D (NGVD) of 1929 or other datum, to which base flood elvations shown on a community's Flood Insurance Ra referenced are

Ò at NEW CONSTRUCTION— means, for flood plain management purposes, structures for which the "the start of construction" commenced on or after the effective dof a flood plain management regulation adopted by a community.

or footings, the installation or fraction; of columns, or any work beyond the stage of excavation; or the palcement of a manufactured home on a foundation, or the palcement of a manufactured home on a foundation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main START OF CONSTRUCTION- (for other than new construction or improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), 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 construct. a structure on a site, such as the pouring footings, the installation of piles, the c or 1 accessory 1 occupied ar structur

STRUCTURE- means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL IMPROVEMENT— means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% 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 purpose of this defination "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, ster solely health any Regianic P. of a istoric (2) 9 L C National of Histor local OE improvement which conditions, or of the structure. The term ace her (1) any project for improved comply with existing state of residency code specifications who assure safe living condition of a structure listed on the N places or a State Inventory o dimensions of the strucinclude either (1) any of Pl to necessary to alteration of of Historic P OL structure sanitary,

full VARIANCE— is a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For ful

ARTICLE 2 cont

other ט be community' redur compliance requ (10), (d) (3), is presumed to documentation other structure or certificate, OL of a structure iant with the ctions. A structelevation cert of (c) (5) that ailure of a st y compliant wi requlations. VIOLATION— means the failure of a s development to be fully compliant willood plain management requiations. cther development without the elevatoristications, or other evidence of in Section 60.3(b) (5), (c) (4), (c) (e) (3), (e) (2), (e) (1) or (e) (1) in violation until such time as that is provided.

relation) of 1929 of ains pla ne height, in re Datum (NGVD) o 1), of floods of s in the flood N- means the he ic Vertical Dat e specified), c frequencies in areas. WATER SURFACE ELEVATION- m to the National Geodetic V (or other datum, where sp various magnitudes and fre of coastal or riverine are

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ARTICLE 3

GENERAL PROVISIONS

AIPPLIES CODE LANDS TO WILLS THIS SECTION A.

within flood hazard of special areas County lle to Benton apply shall jurisdiction of the

DASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD SECTION D.

Emergency Common ity Federal Emerge (FIIBM), Commun sions thereto The areas, of special flood hazard identified by the Federa Management Agency on its Flood Hazard Boundary Map (FHBM) No. 050419, dated Oct. 18, 1977, and any revisions hereby adopted by reference and declared to be a part of this The areas, o Management

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

will the conformance ensure 20 required pe Permit shall COGE provisions of this A Development

SECTION D. COMPLIANCE

code have 0 L this located, altered, 0 F (e).ms the be l with without full commitment use changed without ruin comprand other applicable regulations structure or land

SECTION E. ADROGATION AND GREATER RESTRICTIONS

However, where imposes or impair Whichever abrogate, repeal, abrogate or overlap, covenants, or deed another confict or ctions shall prevail. to not intended another stringent restrictions existing easements, cellis easements, colliss easements, colliss easements.

SECTION F. INTERPRETATION

provisions construed shall be; (1) considered as minimum requirements; (2) liberally in favor of the governing body; and (3) deemed neither to repeal any other powers granted under State statutes. 110 ခရုန်ခ. the interpretation and application of this

SECTION G. MARKLING AND DISCLALIER OR LIABILITY

create greater floods can and by man-made or natural land outside the areas or employee Will scientific shall not areas liability on the part of the community or any official or thereof for any flood damages that result from reliance on this or any administrative decision lawfully made thereunder. of flood protection required by this cooders for regulatory purposes and is based on s permitted willin such On rare occasions greater code and flood heights may be increased not imply that This is code dues ... flood hazards or uses per from flooding or flood engineering considerations. Will occur and flood heigh This special The degree reasonable causes.

ARTICLE 4

ADMINISTRATION

ADMINISTRATION FLOODPLAIN THE OF DESIGNATION K

Ø 0 the priate secti Regulations) appointed hereby appoint r and implement appropriate Insurance Program administer and other . D management. designatee ordinance and t 0 plain Flood Administrator his or (National flood this Judge of to Floodplain provisions pertaining of

ADMINISTRATOR FLOODPLAIN THE OF & RESPONSIBILITIES DUTIES SECTION B.

shal Administrator Floodplain following: O the of to responsibilities t not be limited but and include, Duties

- record all inspection ordinance public this for of oben provisions and hold Maintain the ertaining to (1)
- 7 propose whether from flooding determine safe たり application reasonably permit pe will Review site (2) building
- developmen applications for ordinance. rall this deny n of t prove or dadoption Kevlew, approve required by adopt Review (3) permits
- tat that S Federal, 04 of the 372, 33 assure Section 404 onents of 1972, to those is required. development tal agencies (including Sectiution Control Act Amendments which prior approval is really from proposed deve een obtained been for have permits governmental ac Water Pollution permits from Review necessary 1334) local (4) ederal all
- exact location mappe (for Adminspecial flood hazards d conflict between the Floodplain to the interpretation **ය** හ needed field conditions) d to be of the necessary ٦. ا the areas interpretation appears where there boundaries of make and actual Where shall example, strator boundary (2) of the

A:

- and ls Arkansas Soil and Water alteration or relocation of such notification to communities situations, adjacent Agency ب-8 evidence any which たり Management Agency n prior riverine submit Commission (6) Notify, in riv State Coordinating and Emergency Watercourse, Conservation of a watercou Federal the the
- maintained within the . L capacity Watercourse carrying ank Of flood portion the Assure that relocated (7) altered
- bas rederal, n provided Lain any the provisions utilize from been Floodpl reasonably available not data has no administer elevation data he 3, Section B, and data floodway d review obtain, Article and f flood source, data shall base with in accordance Shannistrator Shannistrator Cflood elevation Cflood elevatio other When (8) flood 6 State 6 Article

SECTION C. PERMIT PROCEDURES

for a Development Permit and a \$10.00 be presented to the Floodplain Administrator him/her and may include, but not be limited for (1) Application application fee shall

- floor structures; lowest the substantially improved 0 F level), Sea mean relation to rail new and (including basement) of (13 Elevation
- any to level mean sea shall be floodproofed; to 0 relation structure in Elevation nonresidential

The State

- . or engineer Shall c. A certificate from a registered professional architect that the nonresidential floodproofed structure the floodproofing criteria of Article 5, Section B(2); c. A certifica architect that the
- proposed 01° watercourse result F to which, any relocataed as extent 010 of the d. Description
- with accordance i information such all 0 F record Article 4, Section (B)(1). m Maintain
- Floodplain s ordinance of this the by the provisions Development Permit OF a 1:1 and the following relevant factors: be based on F 0 f Approval or denial shall Administrator
- erosion oly property due to flooding danger to life and The damage
- contents b. The susceptibility of the proposed facility and its conterflood damage and the effect of such damage on the individual owner; to
- to lands other onto swep t pe may materials that the injury of others; danger The
- and existing with use proposed the <u>و</u> compatibility anticipated development; The J
- for flood of t imes property the ço emergency vehicles; access safety of ordinary and The
- after f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges and public utilities and facilities such as sewer, gas, electrica during and water systems;
- and wave action, 1-1 se 0 f rate ts of effects duration, and the velocity, flood waters site; heights, at the the applicable, expected sediment transport of
 - where location, a waterfront facility of the to necessity The applicable;
- subject not alternative locations, use; the proposed for 0 f flooding or erosion damage, availability The
- comprehensive plan to the the proposed use relationship of for that area. The

SECTION D. VARIANCE PROCEDUNES

requirements of community the L'om the variances by established for requests 25 Board on judgement Appeal this ordinance. The render (]

- record of all actions the Federal Emergency (4) The Froodplate Administrator shall maintain a involving a, appear and shall report variances to Management Agency Gran magnast.
- (5) 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 ordinance.
- (6) 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 relevant factors in Section C(2) of this Articis have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- 0 € (7) Upon consideration of the factors noted above and the intent this ordinance, the Appeal Board may attach such conditions to granting of variances as it deems necessary to further the purpo and objectives of this ordinance (Article 1, Section C).
- discharge would any designated floodway. flood base shall not be issued within n flood levels during the increase in flood Variances result.
- (9) Prerequisites for granting variances:
- hazard, determination flood the the minimum necessary, considering 7 only be issued upon Sinall Variances afford relief. 12 variance
- va. (iii) a b. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the quanting of a variance safety, will not result to public safe extraordinary public expense, create nuisances, cause fraud on victimization of the public, or conflict with existing local laws a variance that the granting of a variance od heights, additional threats flood

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- c. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the 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.
- (10) Variances may be issued by a community for new construction and substantial imrovements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 5

PROVISIONS FOR FLOOD INZARD REDUCTION

SECTION A. GENERAL STANDANDS

216 provisions In all areas of special flood hazards the following provi required for all new construction and substantial improvements:

- designed (or modified) and adequately anthored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, factuding the effects of buoyancy;
- shall constructed by methods and practices that minimize flood damage; improvements substantial 010 construction ne.y (2), All
- be shall improvenents to flood damage; substantial constructed with materials resistant or construction I.ew All
- 1 des i uned accumulating , shall and n or substantial improvements; heating, ventilation, plumbing, are 0 that electrical, heating, very properties the same and other service facilities the sas to prevent water from entering as to prevent water from entering within the components during conditions of flooding. construction conditioning equipment and/or located so as New with A11 constructed
- shall be designed to minimize or eliminate infiltration of flood waters into the system; supply systems waler All new and replacement
- designed the **p**e into shall walers sanitary sewage systems iltration of flood water and, and discharge from the systems into flood waters; infiltration of replacement. eliminate New and 0 to minimize (9)
- 2 located impairment to them or contamination from them during flooding. be Shall systems disposal was co On-site

SECTION B. SPECIFIC STANDARDS

base flood elevation data 3, Section B, (ii) Article Lion C(4), the following Section where flood hazards where forth in (i) Article 5, Article 01 (1111) has been provided as set for Section B(8), or (ii) provisions

- substantial floor structure shall have the lowest floor to or above the base flood elevation eer, architect, or land surveyor shal the that and 4, Section new construction a certification to the Floodplain Administrator in Article engineer, proposed Construction residential elevated professional 30 basement), Residential subsection any ٥ ن A registered improvement submit
- base flood level or, together with attendent and hydrodynamic loads substantially components tion and substantial other nonresidential (including basement) structural with walls new construction ial or floor and with resisting hydrostatic industrial watertight water 0. Contraction any commerical, either have the facilities, is structure passage the 20 Nonresidential capability or above sanitary the S S S 0 shall co improvements to 1 level pue impermeable the structure elevated having flood

(3) Manufactured Nomes

which minimize manufactured homes not limited to, This requirement requirement , or late e of this requirement, manufac to resist flotation, collapse, anchoring be methods and practices are anchoring may include, but are frame ties to ground anchors. 20 homes ground and manufactured of this State installed using the purpose applicable clevated and anchored اله or resisting wind forces. that of over-the-top or 0.0 For to Require itetinods þe addition shail damage. movement. must be A, į flood Zone 1150

with Article compliance in shall be homes manufactured Section B (1) Ail I

PROPOSALS SUBDIVISION FOR STANDARDS ن SECTION

- parks home Sections manufactured 6 with Article including consistent proposals be subdivision ordinance. shall subdivisions All D of this and and
- subdivisions including meet Development Permit
 4. Section C; and the the development of subdivisions shall a Soction C; Articlo ord.inance. C of this ordin and for proposais manufactured home parks relyfrements of Article b All
- Article home subdivision manufactured 7 to 20 including manufac provided pursuant this ordinance. lots 20 provided than shall be development greater (8) of otherwise da ta Section B S proposed is which alevation not Section B or Article 4, subdivisions is lesser. lesser, other flood and ()ឧន្ទ 9110 proposals Whichever parks
 - parks adequate drainage provided to reduce exposure home manufactured including . proposals subdivisions shall have subdivision to flood hazards. A11 () pue

A .

parks 9 facilities such constructed horie manufactured and public utilities and located proposals including water systems eliminate fiood damage. ions shall have electrical and w subdivision subdivisions yas, 9 minimize Sewer,

AM 10 48 '91 SEP 13

ATE OLERK SLINKARD. 00.3 7... BENT ORDINANCE NO.

BENTON, TO BE ENTITLED COUNTY 표 COURT OF 1 QUORUM Ϋ́ ENACTED BY THE QUO OF ARKANSAS, H **B**E

NT OF A FLOOD DAMAGE FOR OTHER PURPOSE. ESTABLISHMENT COUNTY AND FIC OR THE BENTON FOR ORDINANCE PROVIDING FOR PREVENTION PROGRAM FOR

Q H COUNTY THE Ą QUORUM COURT THE B√ THEREFORE, BE IT ENACTED N, STATE OF ARKANSAS: NOW, THE

and shall be office hours is hereby the the for Benton County been delegated by and copy of Clerk during normal < County 1969. adopted by reference a flood damage prevention code for Arkansas, such flood damage prevention code having been legislature of the State of Arkansas in Act 629 of 1969. referenced code shall be filed in the office of the Coun code shall be filed in the office of the for inspection and copying by any person shall available Section

and methods purpose authorization, findings of fact, ARTICLE ARTICLE ARTICLE

Definitions

General provisions Administration

ARTICLE ARTICLE

for flood hazard reduction Provisions

any measure adopted under this dollars (\$100) for each offense is a separate offense. ode may be fined not more than one hundred cade may be fined not more than one hundred cach day during which such violation exists i Section

in conflict with the code adopted n 3. Any ordinance in conflict herewith or herein is hereby repealed. Section

Insurance herein, it serious flooding herein, flooding is likely to result in infliction of sern, and is likely to result in substantial injury of within its jurisdiction; in order to effectively neareds for coverage under the National Flood Insur situation described severe that County the declared by Benton in order to effectively remedy that ordinance become effective personal injury or death, and destruction of property within comply with minimum standards found and the future; that fl al injury or death, in the past is hereby has occurred Program; and is necessary ဌ within Section

this ordinance, sace, health and ts passage peace, and after to exist, and the public r from and ಭ of Therefore, an emergency is hereby declared necessary for the immediate preservation of safety, shall be in full force and effect is

Clerk Committee County **E**nvironment Sponsor:

unty

Judge

Date

CO. R. ST. C. CLINKARD
CO. R. ST. CLITTE CLERK
BEHTLE. CLINIX, ARK.

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE 1

AND METHODS PURPOSE FACT, O.F. FINDINGS AUTHORITY, STATUTORY

SECTION A. STATUTORY AUTHORITY

Therefore, the 629 of ocal governments to adopt flood losses. The ordain does has The Legislature of the State of Arkansas delegated the responsibility of local govregulations designed to minimize flood lo Quorum Court of Benton County, Arkansas,

SECTION B. FINDINGS OF FACT

- for ar subject to and property, periodic inundation which results in loss of life and proper health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures flood protection and relief, all of which adversely affect tl public health, safety and general welfare. The flood hazard
- otherwise sated by the cumulative effectsh cause an increase in flood occupancy of flood hazards and hazardous to other lands or floodproofed flood loses are created in floodplains which can ocities, and by the occup ulnerable to floods and b elevated, they are inadequately d from flood damage. damage. (2) These flood los of obstructions in floodpheights and velocities, a areas by uses vulnerable protected because

SECTION C. STATEMENT OF PURPOSE

public health d private provisions and рŷ note the public a areas by this ordinance to promote relfare and to minimize pub. safety and general welfare an losses due to flood condition

- (1) Protect human, life and health;
- flood costly for money public of expenditure (2) Minimize control profession

<u>,</u>

FILED

CO. A THEORY E CLERK CO. A THEORY CLERK BENTALL CAUNTY, ARK.

- expense the eīīorts аt nd relief ei undertaken a and r rescue an generaîly i for and g ze the need h flooding al public; (3) Minimize associated with i
- interruptions; prolonged business Minimize (4)
- such utilities line s and and se damage to public facilities mains, electric, telephone a Jes located in floodplains; and gas mai and bridges Minimize Water as water streets (2)
- manner the for เป in such (6) Help maintain a stable tax base by providing sound use and development of flood-prone areas in sucas to minimize future flood blight areas; and
- property that notified are buyers potential that area. Insure flood a (7) in 6 S

LOSSES FLOOD REDUCING ΟF METHODS Д SECTION

the uses ordinance this purposes, its o accomplish methods: t, C, In order t following

- health, excessive Q dangerous cause (1) Restrict or prohibit uses that are safety or property in times of flood, or caincreases in flood heights or velocities;
- flood including against to floods, protected such uses, be protecinitial construction; vulnerable (2) Require that uses facilities which serve sucdamage at the time of init
- in s, stream floodplains which are i f natural barriers, alteration of rai protective ba natural tion of f the channels, and nath Control (3)
- development other and aredging grading, damage;) Control filling, may increase flood which
- barriers mаy ood wnich οĤ Ы construction Waters the cons t flood event or regulate tl unnaturally divert ds to other lands.) Prevent will unnat which will unr flood hazards

ARTICLE 2

CO. & P. C. MIT ARD CO. & P. C. MIT GLERK BENTING ATY, ARK.

AKITODE 2

DEFINITIONS

this have s or phrases used in the them the meaning they have it most reasonable v, words or give them ordinance y defined below, interpreted to git of to give this or Unless specifically ordinance shall be in common usage and application

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

below on an alluvial fan or similar landform of the major stream that formed the fan and alluvial fan flooding can occur. of the APEX - means a point which the flow path c unpredictable ресоше

average th of one to three feet where a clearly defined channel does scity of flow may be evident. Such flooding is characteristical and sheet flow. ponding percent cl velocity depth not

loodplain within ance of flooding Zone A on the ratemaking has the FIRM, Zone A VE VE FIRM, Zone , 0 a community subject to a one percent or grater chance in any given year. The area may be designated as Zone Flood Hazard Boundary Map (FHBM). After detailed rate been completed in preparation for publication of the Eusually is refined into Zones A, AE, AH, AO, A1-99, VO FLOOD HAZARD SPECIAL FLOUR ... nity subject to a OF.

being of chance one percent · means the flood having a o exceeded in any given year. ı 0Ľ BASE FLOOD equalled or

floor its having building har all sides no the an area of ti round level) οf ground means (below BASEMENT subgrade identifiable the flood compromised without which tsystem may be co system may an integral part of a flood protection system, protection provided by the entire a means ı FEATURE CRITICAL

o R imited to buildings, grading, paving, of equipment or ding construction of of of definition and improved DEVELOPMENT - means any man-made change in improve umimproved real estate, including but not limited other structures, mining, dredging, filling, gradiexcavation or drilling operation or storage of equmaterials. Normal farming operations including connon-residential buildings are excluded from the de in change man-made development

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CLERK Y. ARK. LINKARD ATE CLERI :.. :E BENI co.

B, C, case n or the elevated and AO, lding œ Ö u.h· tude Ŋ πJ enlate elevated floor ele s, columns (posts a cor of the water an air the structural of up to the magnit magnit, A99, 99, bui. (1,
), AO, A...
or in the
'e bottom Wal built, ', AH', ELEVATED BUILDING - means a nonbasement building (i) built, the case of a building in Zones A1-30, AE, A, A99, AO, AH, X, and D, to have the top of the elevated floor, or in the of a building in Zones V1-30, VE, or V, to have the bottom lowest horizontal structure member of the elevated floor elabove the ground level by means of pilings, columns (posts piers), or shear walls parallel to the floor of the water (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnin of the base flood. In the case of Zones Al-30, AE, A, A99, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter wall with openings sufficient to facilitate the unimpeded movemed flood waters. In the case of Zones Vl-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower and enclosed by means of breakaway walls if the breakaway walls the standards of Section 60.3(e)(5) of the National Flood Veme leva 'nн 유기 0 A. the s sufficient in the case of Zo so includes a buildif if "elevated building means of breakaway w s of Section 60.3(e) Proc ele.
with openies
flood waters
building" al
definition c Insuranc

ש ប៊ុស commenc 1, 1975 ction" purposes of determining of construction" commen or before January 1, 19" "Existing construction structures the bastart carract carract carract carracter is the carracter car N - means for r which the "s date of the F that "exis before 1 to as EXISTING CONSTRUCTION rates, structures for w before the effective dafor FIRMs effective beform ay also be referred to

u O ent ti ed nanageme BDIVISION - means a for which the construction which the manufacture and u D ete p e L a minimum, th tion of stree y of concrete oodp] Ę EXISTING MANUFACTURED HOME PARK OR SUBDIVISMANUFACTURED HOME PARK OR SUBDIVISMON for subdivision for vof facilities for servicing the lots on whithomes are to be affixed (including, at a minstallation of utilities, the construction either final site grading or the pouring of completed before the effective date of the regulations adopted by a community. ARK OR SUBDIVISION the construction of
he manufactured homes
n of utilities, the
te grading or the MANUEACTURED HOME PARK additional sites by the the lots on which the miding the installation of and either final site g PARK d (including streets, and TO AN EXISTING No preparation of a for servicing taffixed (includion of streets, a pads) oncr means the F facilities onstructi EXPANSION Ø pouring e to

on of from: ان ن condit ka area emporary c y dry land general and on of norma rd in त्त ans neansinno ete r FLOODING or complet OR aî ·H FLOOD

- Ö surf οĤ runoff waters. or tidal wat S S inland rapid a of and overflow unusual a any the the (1) (2) aters

sk r F ď ш ÖÀ man Age Þ and al eni Cia ·H שׁ offi Ianag haza ä ซ IRM) - means an eral Emergency f Special flood the community. (FIRM) federal s of spe to the a areas MAP the FLOOD INSURANCE RATE community, on which delineated both the a applic INSURANCE emium

COLRECTION OF STRAND BENTLESS OF STREET

ਾਹ a Q q th. reloc well provided by rt contains flood, as we i i P eport report base i al re. The the r --1 FLOOD INSURANCE STUDY - is the offic. Federal Emergency Management Agency. profiles, water surface elevation of the flood Boundary-Floodway Map.

tiblo of ept on 0 1 N P sus area defi Φ land (see a any means any so AREA er DPRONE by wate IN OR FLOOD-inundated b FLOODPLAIN to being :

~ で gra ge ŏ ŏ prog damaç , flo rerall Llood C plans, the operation of an overasures for reducing femergency preparedness management regulations. FLOODPLAIN MANAGEMENT - means of corrective and preventive including but not limited to control works and floodplain

or zoning ordinances, health regulations, odplain ordinance, inance, and other escribes such state reof, which provide prevention and **a a** building codes, health rest such as a floodplain of sion control ordinance) as ver. The term describes combination thereof, which of flood damage and the control or the control of flood damage. subdivision regulations, building cospecial purpose ordinances (such as grading ordinance and erosion contropplications of police power. The tlocal regulations, in any combinatic standards for the purpose of flood dreduction.

works a expended ry flooding a community t of the der includes cor and which have been authorized, appropriated, and expensed which have been constructed specifically to modify flooding order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depof associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed conformance with sound engineering standard.

ับ⊣ **ਜ** ਹ ral and non-structures whi r improved rea as and their FLOOD PROOFING - means any combination of structura structural additions, changes, or adjustments to st reduce or eliminate flood damage to real estate or property, water and sanitary facilities, structures contents.

HO ิเน river be than more means the channel of a t land areas that must e base flood without surface elevation more rt bi FORY FLOODWAY) - means and the adjacent l. to discharge the baresing the water su FLOODWAY (REGULATORY FLOC other watercourse and the reserved in order to disc cumulatively increasing t designated height.

ij p ~ Ē FUNCTIONALLY DEPENDENT USE - means a use which cannot perform intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities port facilities that are necessary for the loading and unloading or passengers, and ship building and ship repair facilities, but does not include long-term storage or related o water. The ties that are repassengers, are but does not ing facilities. рű

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쫐 COLUTE CLERY SUNKARD CO. & F. BENTON

6 esoco. e Pro 급 : natural e lext to the μğ ່ທ ghes ion means the hit DJACENT GRADE -l surface prior structure. HIGHEST ADJ the ground walls of a

any means STRUCTURE HISTORIC

- ona tor ter of Histo f Interior) Interior as on the Natio structure that is: the National Register v the Department of In ono the of the isting Secretary dividual li Places (a listing maintained by the preliminarily determined by the meeting the requirements for individ meeting t Register;
- of a ۱Ц ٠,٠٠١ (b) Certified or preliminarily determined by the Secretary the Interior as contributing to the historical significance or registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historicitic
- បដី sate inventory of historicservation programs which Interior; or st pres of listed on a historic Secretary s with y the S s in states approved by Indivi (c) place been
 - that .stc gr? pro or al inventory preservation cal O ŏ ·H ori hist ono Individually listed in communities with en certified either: in en ď places have be
- determined a S program state OH approved Interior an the - HO arγ
- state in Interior the ¥0 Secretary the programs βŽ Directly approved (2) without

44 0 sound flow flooding i, usually an earthen sed in accordance with s control, or divert the from temporary flooding de structure, us nd constructed i to contain, cont protection from rade d and es to ns a man-mad designed an practices t to provide LEVEE - means embankment, d engineering p water so as t

οĒ ø a flood protection system which consists and associated structures, such as closur, which are constructed and operated in d engineering practices. LEVEE SYSTEM - means a levee, or levees, an and drainage devices, accordance with sound

lation area enclosed 10 10 10 10 10 LOWEST FLOOR - means the lowest floor of the lowest enclose (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in vio of the applicable non-elevation design requirement of section of the National Flood insurance Program regulations. ic so e elev Flor *91 SEP 13 AM 10 48

CO. & FILL STATE CLERK. BENTON, COUNTY, ARK.

ne . is when ortable in one chassis and is foundation whe rm "manufacture term i O vehicle cture transpo a permanent a permanent The which is built on a per e with or without a per e required utilities. include a "recreational structure it on a tr means HOME ons, wn for use to the not ons s sections gned for more secti designed f connected home" does

tur acı (or ,-1 Ē O) parce a OH eans Ē N - n into OR SUBDIVISION land divided in sale. PARK s) of Ь s parcels) HOME MANUFACTURED CONTIGUOUS D lots home

O od (NGVD) shown the National Floo c Vertical Datum (d elevations shown e referenced. means, for purposes of 1 , the National Geodetic um, to which base flood : Insurance Rate Map are MEAN SEA LEVEL - means, for Insurance Program, the Nation 1929 or other datum, to whicommunity's Flood Insurance

= uo determining tart of constructio Д STRUCTION - means, for the purpose of determining ce rates, structures for which the "start of constructied on or after the effective date of an initial FIRM or ecember 31, 1974, whichever is later, and includes any ent improvements to such structures. For floodplain ent purposes, "new construction" means structures for he "start of construction" commenced on or after the ve date of a floodplain management regulation adopted but and includes any subsequent improvement. any for for adopter such ď or CONSTRUCTION insurance rates commenced on or after December subsequent impremanagement purpowhich the "starte effective date o community NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

the 9 H a vehicle which is (i) built on a re feet or less when measured at ts; (iii) designed to be self-ble by a light duty truck; and (ive as a permanent dwelling but as recreational, camping, travel, or single chassis; (ii) 400 square fee largest horizontal projections; (ii. propelled or permanently towable by designed primarily not for use as a temporary living quarters for reconstants. rileu

COLR FO CANT CLERK BENTON, CONTY, ARK.

rmi 0 Act NHC ces / means start litir ٠, ä C ·니 ·국 wart of actual wall, whethe D D Ø Ö i, iè ហ part al sta additi the rate of the the ide the such as does doe construction of arrier Resources ng; nor rays; nor do; or foundat include the ings, such a ings, in such as piles, t stage of on a ıt and m actual days of th placement on a lianc Substantial improvements under the coastal parties reconstruction includes substantial improvement and adate the bullding permit was issued, provided the actual construction, repair, reconstruction, rehabilitation, adding placement, or other improvement was within 180 days of the date. The actual start means either the first placement permanent construction of a structure on a site, such as pouring of slab or footings, the installation of piles, to construction or the placement of a manufactured home on a foundation. Permanent construction does not include languages at the installation of streets and/or walkways; nor include the installation of streets and/or walkways; nor include excavation for basement, footings, piers or found or the erection of temporary forms; nor does it include installation on the property of accessory buildings, such garages or sheds not occupied as dwelling units or not pit the main structure. For a substantial improvement, the start of construction means the first alteration of any ceiling, floor, or other structural part of a building, ceiling, floor, or other structural part of a building, or not that alteration affects the external dimensions or any ng, ns o tine οť of a lding one for other than new under the Coastal des substantial imp was issued, provid CONSTRUCTION
ial improvements

97-348)), includ

bullding permit 131 97-START OF Substanti (Pub. L. buildin

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a) Ţ. ιď > si iii က်မျင ·H ned to j ent ed. occurr Ù ·H sustai cture O perc any origin s fing the struc t or exceed 50 e the damage o nage of restori l equal before dama(SUBSTANTIAL DAMAGE - means dame structure whereby the cost of r before damaged condition would market value of the structure h

Any improvement of a structure, 50 percent of the market cof construction" of the the actual repair work fer, include either: (1) An ire to correct existing sanitary, or safety code ified by the local code in minimum noorest ructure ructure υ Έ or safety
he local cc
necessary
c structure
the struct ıstruction, rement of a storic clude ti minimum "historic which equals structure betorgoing a structure betorgoing an damage", regardless of the atthe term does not, however, inclument of a structure to octoor or local health, sanital health, sanital health, sanital health, sanital recons pre stru not ic - means any
, or other imp
, or exceeds 50
-re "start (O Ti on ill sto improvement of a stroi s d which a literation ation wills a "hist SUBSTANTIAL IMPROVEMENT - mean rehabilitation, addition, or o the cost of which equals or exvalue of the structure before improvement. This includes st Any alteration rd performed. The project for im violations of specifications enforcement c conditions or provided that nt. ial ö ਜ value of th improvement "substantia prov

ement òy he prohíbited n 60.6 of † guire t in reg esult نا ته به t of relief to a person from the en specific enforcement would read A variance, therefore, permisonment in a manner otherwise profull requirements see Section ហ្វ O requirements s ogram regulati Program 202 iship. A ... development ... "or full r (For LL Insurance P VARIANCE - is a grant of this ordinance when unnecessary hardship. construction or developthis ordinance. (For invitional Flood Insurance.

*91 SEP 13 RIII 1U 13

CO. & PERSYTE CLERK BEHTON, COURTY, ARK.

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

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 or riverine areas.

CO. S. FURTURE CLERK BENTOL, COUNTY, ARK.

ARTICLE 3

GENERAL PROVISIONS

ORDINANCE

floodspecial oţ County. areas allBenton ţ apply on of jurisdiction shall Ordinance the within This

SPECIAL OF AREAS THE ESTABLISHING FOR BASIS A SECTION HAZARD

ed by the Federal and engineering for benton County," Flood Insurance Rate and any declared and and FBFM) reference reas of special flood hazard identified sency Management Agency in a scientific at entitled, "The Flood Insurance Study f September 18, 1991, with accompanying F and Flood Boundary-Floodway Maps (FIRM a sions thereto are hereby adopted by refer of this ordinance. revisions part of th areas Emergency report dated Maps

OF DEVELOPMENT PERMIT ESTABLISHMENT ပ SECTION

conformance ensure ţ required A Development Permit shall be recthe provisions of this ordinance

SECTION D. COMPLIANCE

altered, or have terms of this of that normal non-residential except shall hereafter be located, ut full compliance with the ture or land shall herearce. changed without full compliance with se and other applicable regulations, e operations including construction of its use change ordinance and structure farming op buildings

SECTION F. INTERPRETATION

under (2)In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted statutes deemed State s EMENT LOLINKARD GO. & PEDEMTE CLERK BENTON CONTY, ARK.

LIABILITY S. DISCLAIMER AND WARNING SECTION

any any the ĭ OH The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on t part of the community or any official or employee thereof for flood damages that result from reliance on this ordinance or administrative decision lawfully made thereunder.

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MANY TOTANGED OF BRY BENTON, OCUMIY, ARK.

ARTICLE 4

ADMINISTRATION

ADMINISTRATOR FLOODPLAIN THE OF. DESIGNATION ∢ SECTION

o H appointed the Floodplain Administratorthe provisions of this ordinance and of 44 CFR (National Flood Insurance floodplain management to pertaining is hereby a) implement a sections o minister and imp appropriate sed am Regulations p Judge administer County Program

FLOODPLAIN THE OF RESPONSIBILITIES SECTION B. <u>DUTIES</u> ADMINISTRATOR

shall Administrator Floodplain A le following: the the to, of responsibilities of are not limited but Duties and include,

- al1 inspection ordinance this public of this ld open for provisions and hold the to Maintain pertaining (1) records F
- proposed determine whether proof manufactured homes application to g the placement from flooding. ဌ Review permit al site, including t reasonably safe fi building will be r (5)
- ordinance. for applications on of this o by adoption alldeny o L required (3) Review, approve development permits require (3)
- of 33 • assure been obtained from those Federal agencies (including Section 404 control Act Amendments of 1972, is required approval all necessary permits for gall necessary permits have been State or local governmental at the Rederal Water pollution Control U.S.C. 1334) from which prior
- ation (5) Where interpretation is needed as to the exact locate boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between mapped boundary and actual field conditions) the Floodplain interpretation the necessary make actual r shall Administrator
- and situations, adjacent communities ncy which is the Arkansas Solid prior to any alteration or nd submit evidence of such Agency. evidence Management and the State Coordinating Agency which Water Conservation Commission prior to a relocation of a watercourse, and submit notification to the Federal Emergency Ma
- altered the y within th maintained. capacity 1.8 carrying caps watercourse any flood of any the Assure that the relocated portion

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CO. & PETSTE CLERK
BENTON, COUNTY, ARK.

- 끕 any provided ize a from tne lood elevation data has not been pricle 3, Section B, the Floodplain obtain, review and reasonably utilifiata and floodway data available iner source, in order to administer accordance with Article 3, Administrator shall obtain, base flood elevation data a rederal, State or other sou provisions of Article 5.
- Lon,
 Lone community's
 lative effect of the
 ther existing and
 water surface
 at any poir n designated, the new construction, (including fill) Eloodplain Administrator must require that no new cossibstantial improvements, or other development (incishall be permitted within Zones Al-30 and AE on the FIRM, unless it is demonstrated that the cumulative proposed development, when combined with all other anticipated development, will not increase the water foot one than proposed development, when combinanticipated development, will not elevation of the base flood more community. the
- ťζ community communit Ö on the ons, a communate, AH, on the ce elevation and the communation country. F4 CFR Chapter 1, Sect Program regulations, a in Zones Al-30, AE, AH is the water surface elefoot, provided that the FIRM revision through increases (10) Under the provisions of the National Flood Insurance approve certain development unity's FIRM which increases re than one conditional by more for flood Nies f community's appl first щаұ οĘ

SECTION C. PERMIT PROCEDURES

- and of propos presente him/her i, Iocatic hazard. arawn posed structures, homes, and the I f special flood h rmit shall be p furnished by h: s in duplicate e S (1) Application for a Development Permit shall be to the Floodplain Administrator on forms furnished by may include, but not be limited to, plans in duplicate scale showing the location, dimensions, and elevation landscape alterations, existing and proposed structure including the placement of manufactured homes, and the of the foregoing in relation to areas of special flood Additionally, the following in the forest and the additionally, the following in the forest and the statement of manufactures and the statement of the statement of manufactures and the statement of the stat
- rel), of the substantiall ıev∉ and ′ new an all Ē to Of relation oor (including basement) structures; in Elevation floor lowest fl
- t t level ā; mean sea . .oodproofed ti ti relation t evation in L structure nonresidential
- shall engineer fed structure Section B(2); registered professional nonresidential floodproofed criteria of Article 5, Sect пd from certificate architect that the ret the ret the floodproofing ∢,
- 0.17 Φ .st of result erc wate any as a to which relocated f the extent altered or r u O Description of drainage will be development. <u>י</u>ט proposed natural
- information such (B)(1)all Section ů, record 4 Maintain a r with Article ance cord

-13-

FULL CHIMARD CO. G. L. COME CLERK BENTOLL COMMIN, ARK.

- provisions the the factors: Permit 11 of t ail relevant a Development be based on a following shall 'n, deniaī the (2) Approval or deni oodplain Administrator this ordinance and the
- o H flooding ۲۱ O ane property and iife t C danger The damage; erosion
- ř and facility damage such the proposed effect of suc b. The susceptibility of s to flood damage and the lal owner; contents to individual
- other onto swept ը. Ս. паy danger that materials jury of others; injury The the το υ. ands
- existing with the proposed use οť compatibility development; anticipated and
- Ö times in. property les; to the t t The safety of access ordinary and emergency for flood
- ហ ๙ ь of, during such The costs of providing governmental services dur flood conditions including maintenance and repair id bridges, and public utilities and facilities su; electrical and water systems; and gas f. after streets sewer, and
- effect ᅂ duration, rate ters and the ef sand site; jhts, velocity, dura of the flood waters e, expected at the s expected heights, ent transport of th , if applicable, ex sediment to The action, g. and s S)
- a wateriront facility of The necessity to the nere applicable; where ħ. location,
- d) ú not proposed locations the alternative damage, for damage, ų O flooding or erosion availability The ţ. subject
- ဌ use proposed the area 'n O j. The relationship comprehensive plan for that

PROCEDURES VARIANCE Ġ. SECTION

- shall the community from variances ed by the for varian established requests ordinance пo Board as judgement this ordin (1) The appeal ear and render jud equirements of thi hear
- an (2) The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- of the decision by the courts 'n s aggrieved decision in on or persons appeal such d (3) Any person Appeal Board may apjurisdiction.

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BATT LICHBRARD CO. & FLICKTE CLERK BEHTON, COMMIY, ARK.

- Ö record variances ൻ ll maintain 1 report var: request. r shall reupon rec Administrator in appeal and si jement Agency ul The Floodplain Admin ons involving an app Emergency Management actions all act: Federal (†
- Inventory set forth for the reconstruction, structures listed on the aces or the State Invento to the procedures set for es may be issued for to restoration of struer Places without regard to the this ordinance. ional Register coric Places. W remainder of t (5) Variances rehabilitation or National Historic the remai
- th acr(level, is Article es beyond t for issuinç substantial improvements to be erected on a lot of one-half or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Artichave been fully considered. As the lot size increases beyon one-half acre, the technical justification required for issu the relevant factors fully considered. As cre, the technical ju acre, tuc are increases providing thave been it one-half act the variance
 - to 1, ch such necessary e (Article noted above and may attach such it deems necessiondinance (Artic noted the factors named Appeal Board names as itives of this of the A (7) Upon consideration o intent of this ordinance, the conditions to the granting of further the purpose and objection C).
- ŏ ed flo thin any designated during the base i be issued within flood levels duri ariances shall not f any increase in would result. Vari if (8) Va floodway i: discharge V
- Λ ٠,٠ a) hat the proposed e structure's and the variance c character and ď r rehabilita the propose or that (9) Variances may be issued for the repair of historic structures upon a determination the repair or rehabilitation will not preclude the continued designation as a historic structure the minimum necessary to preserve the historic design of the structure.
- granting variances: Prerequisites for (10)
- g oon a determinati considering the f nodn . Variances shall only be issued u variance is the minimum necessary, o afford relief. ţ, . d that the hazard, t
- additional the b. Variances shall only be issued upon, (i) showing good and sufficient cause; (ii) a determination that failure grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, addition threats to public safety, extraordinary public expense, creat nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3-209

GOVE PROBATE CLERK BENTON, COUNTY, ARK. be permitted to the base flood will be reduced the the ba e will from variance is cture will ion below t insurance resulting he structure velevation be food insuratisk result Whom the be given written notice that the be built with the lowest floor elevation, and that the cost of commensurate with the increased lowest floor elevation. t 0

dependent 4, Section opment is the base s may be issued by a community for new substantial improvements and for other isary for the conduct of a functionally depend: (i) the criteria outlined in Article 4, Sect and (ii) the structure or other development nods that minimize flood damages during the bano additional threats to public safety. construction and substate development necessary fuse provided that (i) t D(1)-(9) are met, and (protected by methods the flood and create no additional second contracts of the second contracts of th Variances (11)

CO. & PRODATE CLERK BENTON, SCONTY, ARK.

ARTICLE 5

ROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

provisions following p substantial the lood hazards construction flood new special all new oř. řor In all areas are required improvements.

- the (1) All new construction or substantial improvements sha be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including effects of buoyancy;
- Ŋ improvements minimize flo or substantial practices that oh and (2) All new construction constructed by methods and All be cons damage; (2)
- shal or substantial improvements resistant to flood damage; or / construction with materials (3) All new constructed w be
- on or substantial improvements shall cal, heating, ventilation, plumbing, lent and other service facilities that so as to prevent water from entering components during conditions of construction or constructed with electrical, air conditioning equipment a designed and/or located so accumulating within the compo new All or accumul flooding. (4) and are
- water replacement water supply systems shall or eliminate infiltration of flood wat All new and r to minimize s system; All to (5) A designed into the
- shall be lood waters flood waters systems on of flo ms into i lacement sanitary sewage sy or eliminate infiltration discharge from the systems v and replacement minimize or elimistem and discharge to mini system Nev Nev designed into the (9) and,
- oid to ave be located during flo pe shall h m them disposal systems s contamination from waste em or -site was to them (7) On-impairment

SECTION B. SPECIFIC STANDARDS

flood elevation e 3, Section C(3), flood e 3, S where base floation (i) Article () Article () In all areas of special flood hazards we data has been provided as set forth in (ii) Article 4, Section B(8), or (iii) the following provisions are required:

3-211

MANY L TERRARD

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BENTON, COUNTY, ARK.

- the ď g ဌ ø O 4 sidential Construction - new construction and improvement of any residential structure shall floor (including basement), elevated to or abovelevation. A registered professional engineer, or land surveyor shall submit a certification to Administrator that the standard of this subsection Article 4, Section C(1)a., is satisfied. Residenti substantial the lowest floase flood earchitect, or Floodplain Active proposed in Active to the loop of the loop of
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MART COURARD CO. & COUNTRY OLERK BENTOD, COUNTY, ARK.

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PROPOSALS SUBDIVISION FOR STANDARDS SECTION

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CONES) (AO/AH FLOODING SHALLOW OF AREAS FOR STANDARDS \Box SECTION

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- 44 ö improvements substantial and construction structures; (2) All new non-residential (2)

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GO. & TOPENTE OLERK BENTON, OCCUTT, ARK.

CERTIFICATION

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the i this on tand Therefore, an emergency is hereby declared to exist, and to ordinance, being necessary for the immediate preservation public peace, health and safety, shall be in full force are effect from and after its passage and approval.

APPROVED !

PASSED: 7-14

(date)

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Secretary or responsible perso

SEAL)

ORDINANCE NO. O-2003-32

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 38, ARTICLE II (FLOOD DAMAGE PREVENTION) OF THE CODE OF ORDINANCES OF BENTON COUNTY

WHEREAS, as a condition of participation in the National Flood Insurance Program, local governments are required to adopt, administer, and enforce certain flood damage prevention regulatory measures; and

WHEREAS, the Benton County Flood Damage Prevention Ordinance, initially passed in 1991, and codified in Section 38, Article II of the Code of Ordinances of Benton County (hereafter referred to as the Code) has been reviewed and determined to be in need of certain technical amendments.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

SECTION 1. That the definition of *Development* in Sec. 38-26 of the Code is amended to read as follows: "*Development* means any manmade change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials. Normal farming operations are excluded from the definition of development."

SECTION 2. That the definition of *Elevated building* in Sec. 38-26 of the Code is amended to read as follows: "*Elevated building* means a non-basement building (i) built, for a building in zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor, or, for a building in zone V1-30, VE or V, to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of one (1) foot above the base flood.

Ordinance No. O-2003-32 Page 1 of 5

For zones A1-30, AE, A, A99, AO, AH, B, C, X and D, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. For zones V1-30, VE or V, elevated building also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of section 60.3(e)(5) of the National Flood Insurance Program regulations."

SECTION 3. That Sec. 38-32 of the Code, Compliance, is amended to read as follows: "No structure or land shall be located, altered or have its use changed without full compliance with the terms of this article and other applicable regulations, except that normal farming operations are exempt from this section."

SECTION 4. That Sec. 38-51 of the Code, Development permit, is amended to read as follows: "A development permit shall be required to ensure conformance with this article. The permitted site shall be posted with a notice, provided by the floodplain administrator, evidencing the issuance of a development permit. Said notice shall be visible from a point of vehicular access to the property, and remain posted until the development is completed."

SECTION 5. That Sec. 38-53 of the Code, Designation of floodplain administrator, is amended to read as follows: "The County Judge, or his designee, is appointed as the Floodplain Administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management."

SECTION 6. That Sec. 38-54(a)(6) of the Code, Duties and responsibilities of the floodplain administrator, is amended to read as follows: "Notify, in riverine situations, adjacent communities and the Arkansas Soil and Water Conservation Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency."

SECTION 7. That Sec. 38-55 (a) of the Code, Variance procedures, is amended to read as follows: "An appeal board is hereby established to hear and render judgment on requests for variances from the requirements of this article. The Benton County Planning Board shall serve as said appeal board."

Ordinance No. O-2003-32 Page 2 of 5

SECTION 8. That Sec. 38-73 (1) of the Code, *Residential construction* under Specific standards, is amended to read as follows: "*Residential construction*. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above an elevation one (1) foot above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in section 38-52(a)(1), is satisfied."

SECTION 9. That Sec. 38-73 (2) of the Code, *Nonresidential construction* under Specific standards, is amended to read as follows: "*Nonresidential construction*. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above an elevation one (1) foot above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure 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. A registered professional engineer or architect shall develop or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation in relation to mean sea level to which such structures are floodproofed, shall be maintained by the floodplain administrator."

SECTION 10. That Sec. 38-73 (4) (b) of the Code, *Manufactured homes* under Specific standards, is amended to read as follows: "Manufactured homes that are placed or substantially improved with zones A1-30, AH and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above an elevation one (1) foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement."

SECTION 11. That Sec. 38-73 (4) (c) (1) of the Code, *Manufactured homes* under Specific standards, is amended to read as follows: "The lowest floor of the manufactured home is at or above an elevation one (1) foot above the base flood elevation; or"

Ordinance No. O-2003-32 Page 3 of 5

SECTION 12. That Sec.38-74 (c) of the Code, Standards for subdivision proposals, is amended to read as follows: "Base flood elevation data shall be generated for subdivision proposals, site plan proposals, and other proposed developments, including the placement of manufactured home parks and subdivisions if not otherwise provided pursuant to Section 38-30 or 38-54 (8)."

SECTION 13. That Sec. 38-75 (1) of the Code, under Standards for areas of shallow flooding (AO/AH zones), is amended to read as follows: "All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified)."

SECTION 14. That Sec. 38-75 (2) (a) of the Code, under Standards for areas of shallow flooding) AO/AH zones), is amended to read as follows: "Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or"

SECTION 15. That ARTICLE II, DIVISION 3 of the Code, FLOOD DAMAGE PREVENTION, is amended by adding the following: "Sec. 38-77. Penalties for noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violations of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person, firm, or corporation who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00, for each violation, and in addition shall pay all costs and expenses involved in the case. If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of this article, shall not exceed two hundred fifty dollars (\$250.00) for each day that it may be unlawfully continued. Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation."

Ordinance No. O-2003-32 Page 4 of 5

	APPROVED:
ATTEST:	GARY D. BLACK, COUNTY JUDGE DATE SIGNED: July 15, 2003
MARY L. SLINKARD, COUNTY CLERK SPONSOR: JP Sheridan DATE ADOPTED: July 10, 2003 Votes For: 11 Votes Against: Abstain: Present: Absent: 2	

Ordinance No. O-2003-32 Page 5 of 5

ORDINANCE NO. O-2003-33

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 38, ARTICLE I OF THE CODE OF ORDINANCES OF BENTON COUNTY REGARDING PLANNING OFFICE FLOODPLAIN AND STORMWATER CHECKS AFTER 9-1-1 ADDRESS ASSIGNMENTS

WHEREAS, provisions contained in the Benton County Code of Ordinances (hereafter referred to as the Code) require the assignment of a physical address for new residential and commercial structures; and

WHEREAS, regulations concerning flood hazard prevention and storm water may, depending upon location and size, be applicable to new developments; and

WHEREAS, Section 58-106 of the Code provides for address assignment notifications necessary for the efficient and effective administration of Planning Office responsibilities; such enabling subsequent checks to help insure that new developments are compliant with, and developers aware of, floodplain and storm water regulations that may apply; and

WHEREAS, the Environmental Committee of the Quorum Court, after thorough consideration, has recommended approval of a Code amendment to require Planning Office floodplain and storm water checks.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

That Section 38, Article I of the Code is amended by adding the following: "Sec. 38-1. Required Floodplain and Storm water Checks. After the receipt of an address assignment, as provided in Sec. 58-106, the Planning Office shall determine whether the site is located in a designated floodplain, and the applicability of storm water regulations. Notifications to affected parties of the necessity to comply with county floodplain regulations, and that state and/or county storm water regulations may be applicable, shall be made promptly after receipt of address assignment notification.

	APPROVED:
	/s/ Gary D. Black GARY D. BLACK, COUNTY JUDGE
ATTEST:	
/s/ Mary L. Slinkard MARY L. SLINKARD, COUNTY CLERK SPONSOR: JP Sheridan DATE ADOPTED: July 10, 2003 Votes For: 11 Votes Against: Abstain: Present: Absent: 2	

ORDINANCE NO. O-2007-22

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 38 (FLOODS) OF THE *CODE OF ORDINANCES OF BENTON COUNTY*, *ARKANSAS* TO UPDATE THE FLOOD DAMAGE PREVENTION PROGRAM FOR BENTON COUNTY; AND DECLARING AN EMERGENCY

WHEREAS, as a condition of participation in the National Flood Insurance Program, local governments are required to adopt, administer, and enforce certain flood damage prevention regulatory measures; and

WHEREAS, the Benton County Flood Damage Prevention Ordinance, initially passed in 1991, amended in subsequent years, and codified in Chapter 38 of the Code of Ordinances of Benton County, Arkansas has been reviewed and determined to be in need of technical amendments; and

WHEREAS, said amendments are necessary to insure Benton County's continued participation in the National Flood Insurance Program.

NOW THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

ARTICLE 1. That the following definitions in **Section 38-26, Definitions**, of the *Code of Ordinances of Benton County* are hereby amended to read as follows:

"Area of shallow flooding means a designated AO or AH zone on the county's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, and where the path of the flooding is unpredictable. Such flooding is characterized by ponding and sheet flow."

"Area of special flood hazard means the land in a floodplain within the county subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood insurance rate map (FIRM). After detailed studies have been completed, zone A usually is refined into zones AE, AH, or AO."

- "Elevated building means a non-basement building:
- (1) Built, in zones AE, A, AO, AH, X, and D, to have the top of the bottom floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water; and
- (2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of one foot above the base flood.

For zones AE, A, AO, AH, X, and D, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

<u>ARTICLE 2.</u> That Section 38-30, Basis for establishing areas of special flood hazard, of the Code of Ordinances of Benton County, Arkansas is hereby amended to read as follows:

"Sec. 38-30. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Benton County, Arkansas and Incorporated Areas" dated September 28, 2007, with accompanying flood insurance rate maps (FIRM) are adopted by reference and declared to be part of this article."

ARTICLE 3. That Section 38-54, Duties and responsibilities of the floodplain administrator part (a) (6) is hereby amended to read as follows:

"(6) Notify, in riverine situations, adjacent communities and the Arkansas Natural Resource Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency."

ARTICLE 4. That Section 38-54, Duties and responsibilities of the floodplain administrator, part (a) (9) is hereby amended to read as follows:

"(9) When a regulatory floodway has not been designated, require that no new construction, substantial improvements or other development, including fill, shall be permitted within zone AE on the county's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the county."

ARTICLE 5. That Section 38-54, Duties and responsibilities of the floodplain administrator, part (b) is hereby amended to read as follows:

"Under 44 CFR 65.12 of the National Flood Insurance Program regulations, the county may approve certain development in zones AE or AH on the county's FIRM which increases the water surface elevation of the base flood by more that one foot, provided the county first applies for a conditional letter of map revision through FEMA."

<u>ARTICLE 6.</u> That **Section 38-73**, **Specific standards**, part (4) is hereby amended to read as follows:

"(4) Manufactured homes.

- a. All manufactured homes placed within zone A on a county's FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this subsection, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors. This is in addition to all applicable state and local anchoring requirements for resisting wind forces.
- b. Manufactured homes that are placed or substantially improved within zones AH and AE on the county's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above an elevation one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- c. Manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within zones AH and AE on the county's FIRM that are not subject to this subsection shall be elevated so that either:
 - 1. The lowest floor of the manufactured home is at or above an elevation one foot above the base flood elevation; or
 - 2. 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 securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement."

<u>ARTICLE 7</u>. That **Section 38-73**, **Specific standards**, part (5) is hereby amended to read as follows:

"(5) Recreational vehicles. All recreational vehicles placed on sites within zones AH and AE on the county's FIRM shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of section 38-52(a) and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions."

ARTICLE 8. Severability. If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of this ordinance is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this ordinance.

ARTICLE 9. Emergency Clause. It is hereby found and declared by Benton County that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately. Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

	APPROVED:
	/s/ Gary D. Black GARY D. BLACK, COUNTY JUDGE DATE SIGNED: 10-01-07
ATTEST:	
/s/ Mary L. Slinkard	
MARY L. SLINKARD, COUNTY CLERK	-
SPONSOR: Environmental Committee	_
ADOPTED: September 27, 2007	_
Votes for:11 Against:	_
Abstain: Present: Absent:2	-

CERTIFICATE

hereby certify that the foregoing pages are a t duly passed by a vote of 11 yeas, 0 Quorum Court of Benton County, Arkansas	rsigned County Clerk of Benton County, Arkansas rue and perfect copy of Ordinance No. O-2007-22 nays, 2 absent, at a regular session of the held at the regular meeting place of the Quorum of September, 2007, and that said Ordinance is one 615, now in my possession.
	al this 1st day of October, 2007.
(SEAL)	MARY L. SLINKARD, County Clerk

ORDINANCE NO. O-2007-23

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 38 (FLOODS) OF THE *CODE OF ORDINANCES OF BENTON COUNTY, ARKANSAS* TO UPDATE THE FLOOD DAMAGE PREVENTION PROGRAM FOR BENTON COUNTY; AND DECLARING AN EMERGENCY

WHEREAS, sections of Chapter 38 (Floods) of the *Code of Ordinances of Benton County*, *Arkansas* were previously amended by Ordinance No. O-2007-22; and

WHEREAS, additional technical amendments to Chapter 38 (Floods) of the *Code* of *Ordinances of Benton County*, *Arkansas* have been determined to be necessary by the Federal Emergency Management Agency; and

WHEREAS, said amendments are necessary to insure Benton County's continued participation in the National Flood Insurance Program.

NOW THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

<u>ARTICLE 1.</u> That **Section 38-26, Definitions,** of the *Code of Ordinances of Benton County, Arkansas* is hereby amended to read as follows:

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

44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) means Parts 59-75 contain Federal regulations upon which local floodplain managements are based.

44 CFR § 65.12 means the section of the Federal regulations which involves revision of flood insurance rate maps to reflect base flood elevations caused by proposed encroachments.

100-year flood means any flood with a 1% chance of occurring in any given year. The term is misleading, because of its statistical derivation. A "100-year flood" may occur many times in any given 100-year period, or it may not occur at all in 100 years.

A Zones are special flood hazard areas without detailed studies, where base flood elevations have not been determined.

Accessory Structures are structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

AE Zones are special flood hazard areas where detailed studies have determined base flood elevations.

AH Zones are special flood hazard areas characterized by shallow flooding with ponding effects (where floodwaters accumulate in depressions and linger until absorbed or evaporated).

AO Zones are special flood hazard areas characterized by shallow flooding with sheet flow (where floodwaters flow in a broad, shallow sheet rather than through a narrow channel).

Area of shallow flooding means a designated AO or AH zone on the county's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, and where the path of flooding is unpredictable. Such flooding is characterized by ponding and sheet flow.

Area of special flood hazard means the land in a floodplain within the county subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood insurance rate map (FIRM). After detailed studies have been completed, zone A usually is refined into zones AE, AH, or AO.

Automatic entry and exit of floodwaters means that the water must be able to enter and exit with no intervening action from a person.

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

Base flood elevation refers to the expected height of floodwaters during the peak of the base flood event.

Basement means an area of the building having its floor sub grade (below ground level) on all sides.

BFE is the acronym for Base Flood Elevation.

Buoyancy is the upward force exerted by water. Buoyancy can cause underground tanks to float free and can lift structures off foundations.

CFR is the acronym for the Code of Federal Regulations. The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. The Federal regulations pertaining to the national Flood Insurance Program are found in title 44, Emergency Management and Assistance.

Crawlspace is a type of structural foundation where the space beneath the lowest floor is typically not deep enough to allow a person to stand and not all four walls are below grade.

Critical Facilities include: Governmental facilities that are considered essential for the delivery of critical services and crisis management (such as data and communication centers and key governmental complexes); facilities that are essential for the health and welfare of the whole population (such as hospitals, prisons, police and fire stations, emergency operations centers, evacuation shelters and schools); mass transportation facilities (such as airports, bus terminals, train terminals); lifeline utility systems (including potable water, wastewater, oil, natural gas, electric power and communications systems); high potential loss facilities (such as nuclear power plants or military installations); hazardous material facilities (such as industrial facilities housing

or manufacturing or disposing of corrosives, explosives, flammable materials, radioactive materials and toxins.

D Zones areas in which the flood hazard has not been determined, but may be possible.

Development broadly means any manmade change in improved or unimproved real estate. It includes, but is not limited to, construction, reconstruction, or placement of a building, or any addition or substantial improvement to a building. "Development" also includes the installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 consecutive days. The installation of utilities, construction of roads, bridges, culverts or similar projects are also "developments." Construction or erection of levees, dams, walls, or fences; drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface are "developments." Storage of materials including the placement of gas and liquid storage tanks are "developments," as are channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters. "Development" does not include maintenance of existing buildings and facilities, maintenance of existing drainage ditches, resurfacing of roads, gardening, plowing, routine farming, or similar practices that do not involve filling, grading, or construction of levees.

Development Permit refers to the permit required for placing a "development" in the floodplain.

Elevated building means a non-basement building:

- (1) Built, in zones AE, A, AO, AH, X and D, to have the top of the bottom floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water; and
- (2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of one foot above the base flood.

For zones AE, A, AO, AH, X and D, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

Elevation Certificate refers to FEMA form 81-31, which for the purposes of this article must be properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads, is completed before the effective date of the floodplain management regulations adopted by the county.

Existing Structure means, for floodplain management purposes, a structure which is in place before any reconstruction, rehabilitation, addition, or other improvement takes place.

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

Federal Emergency Management Agency, or FEMA, is the Federal agency responsible for administering the National Flood Insurance Program.

FEMA is the acronym for the Federal Emergency Management Agency.

Fill refers to the placement of natural sand, dirt, soil, rock, concrete, cement, brick, or similar material at a specified location to bring the ground surface up to a desired elevation.

FIRM is the acronym for Flood Insurance Rate Map.

Flood Fringe refers to the portion of the 100-year floodplain which is outside the floodway.

Flood insurance rate map (FIRM) means an official map of the county, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the county.

Flood insurance study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

Flooding events are general or temporary conditions of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or from the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain refers to any land area susceptible to inundation by floodwaters from any source. For the purposes of this article, floodplain refers to the land area susceptible to being inundated by the base flood.

Floodplain Administrator refers to the county official designated in this article as responsible for the administration of floodplain management regulations.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, such as 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.

Flood proofing 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.

Flood proofing Certificate refers to FEMA form 81-65, which for the purposes of this article must be properly completed by a Professional Engineer or Architect licensed to practice in the State of Arkansas.

Floodway (regulatory 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.

Flow-through openings are openings specifically designed to allow floodwaters to flow into and out of enclosed spaces, minimizing the danger of foundation or wall collapse from lateral hydrostatic pressure.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places, a listing maintained by the Department of the Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Hydrodynamic forces are the forces and stresses associated with moving water, including impacts from objects carried in the water.

Hydrostatic flood forces are the forces and stresses associated with standing floodwaters.

Lateral forces are the horizontal hydrostatic forces associated with standing water. Water exerts an equal force in all directions, and as little as three feet of standing water can generate sufficient lateral force to collapse a foundation or wall.

Levee means a manmade structure, usually earthen embankments 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.

Lowest floor refers to the lowest floor of the lowest enclosed area (including basement). For a typical slab-on-grade construction, the elevation of the lowest floor is the top of the first floor of the house. For a typical basement foundation construction, the elevation of the lowest floor is the top of the basement floor. For a typical crawlspace foundation construction, the elevation of the lowest floor is the top of the house. For typical split-level constructions, the elevation of the lowest floor is the top of the first living area floor – the garage floor is not the lowest floor as long as there are no living areas in the garage and it is used solely for storage, parking vehicles and entry to

the house. The elevation of the lowest floor of a manufactured home, however, is the bottom surface of the lowest floor joist.

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. The term "manufactured home" does not include a recreational vehicle.

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

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on the county's flood insurance rate map are referenced.

Mixed Use Structures are structures with both a business and a residential component, but where the area used for business is less than 50% of the total floor area of the structure.

New construction means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the county on September 12, 1991, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads, is completed on or after the effective date of floodplain management regulations adopted by the county.

No Adverse Impact principle is a principle of restricting or prohibiting land development that does harm or "adversely affects" someone else's property or land.

Nonresidential Structures are structures used only for commercial or public purposes, such as businesses, schools, churches, etc.

No-Rise Certificates are formal certifications signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase in flood levels within the community during the occurrence of a base flood event.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Section 404 Wetlands Permit is a permit required under Section 404 of the Clean Water Act for the discharge of dredged and fill material into any surface water of the United States. The US Army Corps of Engineers issues Section 404 permits.

SFHA is the acronym for Special Flood Hazard Area.

Slab anchors are anchors where the hook of the anchor is wrapped around a horizontal rebar in the slab before the concrete is poured.

Special flood hazard areas are geographical areas identified on FEMA flood insurance rate maps as being at-risk for flooding. The maps further categorize these areas into various flood risk zones A, AE, AH, and AO. See area of special flood hazard.

Start of construction, includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, 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 and/or walkways nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Coordinating Agency is the agency that acts as a liaison between FEMA and a community for the purposes of floodplain management. The Arkansas Natural Resources Commission is the State Coordinating Agency for Arkansas.

Structure, for the purposes of floodplain management, refers to any building with two or more rigid walls and a fully secured roof on a permanent site or to any gas or liquid storage tank that is principally above ground.

Substantial damage is damage of any origin where the cost to restore a structure to its original undamaged state would equal or exceed 50% of the market value of the structure before any damage occurred. In determining whether substantial damage has occurred, estimators must use standard contractor and materials costs. There are no exceptions for homeowners who make their own repairs or for discounted or free raw materials.

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 start of construction of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) 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 conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance means a grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore,

permits construction or development in a manner otherwise prohibited by this article. (For full requirements see section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the county's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

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 or riverine areas.

X Zones are a special group of insurance risk zones. One type, shown as non-shaded areas on FEMA issued flood maps, indicates a zone where flooding is not expected to occur. The second type, shown as shaded areas of FEMA flood maps, indicates a flood hazard area that is expected to be affected by the 500-year flood, but not by the 100-year base flood."

ARTICLE 2. That Section 38-30, Basis for establishing areas of special flood hazard, of the *Code of Ordinances of Benton County, Arkansas* is hereby amended to read as follows:

"The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Benton County, Arkansas and Incorporated Areas" dated September 28, 2007, with accompanying flood insurance rate maps (FIRM),dated September 28, 2007, are adopted by reference and declared to be part of this article."

<u>ARTICLE 3.</u> That **Section 38-32**, **Compliance**, of the *Code of Ordinances of Benton County*, *Arkansas* is hereby amended to read as follows:

"No structure or land shall be located, altered or have its use changed without full compliance with the terms of this article and other applicable regulations."

ARTICLE 4. That Section **38-34**, **Reserved**, of the *Code of Ordinances of Benton County*, *Arkansas* is hereby amended to read as follows:

"Sec. 38-34. Abrogation and greater restrictions.

This article does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies."

- ARTICLE 5. That Section 38-52, Permit Procedures, part (a), of the Code of Ordinances of Benton County, Arkansas is hereby amended to read as follows:
- "(a) Application for a development permit under this article shall be presented to the floodplain administrator and may include but not be limited to plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of such in relation to areas of special flood hazard. Additionally, the following information is required:
- (1) Elevation, in relation to mean sea level, of the lowest floor, including basement, of all new and substantially improved structures.
- (2) Elevation in relation to mean sea level to which any nonresidential structure shall be flood-proofed.
- (3) A certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of section 38-73(2).
- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 - (5) A record of all such information in accordance with section 38-54(a) (1)."
- ARTICLE 6. That Section 38-52, Permit Procedures, part (b) (7), of the Code of Ordinances of Benton County, Arkansas is hereby amended to read as follows:
- "(7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site."
- ARTICLE 7. That Section 38-54, Duties and responsibilities of the floodplain administrator, part (a), of the Code of Ordinances of Benton County, Arkansas is hereby amended to read as follows:
- "(a) Duties and responsibilities of the floodplain administrator shall include but are not limited to the following:
- (1) Maintain and hold open for public inspection all records pertaining to this article.
- (2) Review permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by this article.
- (4) Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 USC 1334) from which prior approval is required.

- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the Arkansas Natural Resource Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data have not been provided in accordance with section 38-30 the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer sections 38-72--38-76.
- (9) When a regulatory floodway has not been designated, require that no new construction, substantial improvements or other development, including fill, shall be permitted within zones AE on the county's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the county.
- (10) Obtain accreditation each year as required by A.C.A. §14-268-106 through the State Coordinating Agency, which is the Arkansas Natural Resources Commission.
- (11) Evaluate proposed projects for conformance with No Adverse Impact principles."

<u>ARTICLE 8</u>. That Section 38-72, General Standards, of the *Code of Ordinances of Benton County, Arkansas* is hereby amended to read as follows:

"In all areas of special flood hazards the following are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and located to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

- (6) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
- (7) Onsite waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.
- (8) For the purposes of this article, all mixed-use structures are subject to the more stringent requirements of residential structures.
- (9) A substantial improvement or substantial damage to an existing structure triggers a requirement to bring the entire structure into full compliance with the provisions of this article. The existing structure, as well as any reconstruction, rehabilitation, addition, or other improvement, must meet the standards of new construction in this article.
- (10) Any improvement to an existing structure that is less than a substantial improvement requires the improvement, but not the existing structure, to be in full compliance with the provisions of this article.
- (11) Construction of basement foundations in any Special Flood Hazard Area is prohibited.
- (12) The placement of a manufactured home in the floodway is prohibited."

ARTICLE 9. That **Section 38-73**, **Specific Standards**, of the *Code of Ordinances of Benton County*, *Arkansas* is hereby amended to read as follows:

"In all areas of special flood hazards (Zones A and AE), except areas of shallow flooding, (Zones AO and AH) the following are required:

- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above an elevation one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in section 38-52(a) (1), is satisfied.
- (2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor; including basement, elevated to or above an elevation one foot above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure 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. A registered professional engineer or architect shall develop or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation in relation to mean sea level to which such structures are flood-proofed, shall be maintained by the floodplain administrator.
- (3) *Enclosures*. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing

for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered 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 shall be provided.
- b. The bottoms of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured homes.

- a. All manufactured homes placed within zone A on a county's FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this subsection, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors. This is in addition to all applicable state and local anchoring requirements for resisting wind forces. Screw augers or expanding anchors will not satisfy the requirement of this provision.
- b. Manufactured homes that are placed or substantially improved within zones AH and AE on the county's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above an elevation one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- c. Manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within zones AH and AE on the county's FIRM that are not subject to this subsection shall be elevated so that either:
 - 1. The lowest floor of the manufactured home is at or above an elevation one foot above the base flood elevation; or
 - 2. 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 securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (5) Recreational vehicles. All recreational vehicles placed on sites within zones AH and AE on the county's FIRM shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of section 38-52(a) and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions. (6) In Zone A, the applicant or the applicant's agent must determine a base flood elevation prior to construction. The BFE will be based on a source or method approved by the local floodplain administrator."

ARTICLE 10. That Section 38-74, Standards for subdivision proposals, part (c) of the *Code of Ordinances of Benton County, Arkansas* is hereby amended to read as follows:

"(c) Base flood elevation data shall be generated for subdivision proposals, site plan proposals, and other proposed developments, including the placement of manufactured home parks and subdivisions if not otherwise provided pursuant to section 38-30 or 38-54(a) (8) using accepted engineering methods."

ARTICLE 11. Severability. If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of this ordinance is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this ordinance.

ARTICLE 12. Emergency Clause. It is hereby found and declared by Benton County that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately. Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED: /s/ Gary D. Black GARY D. BLACK, COUNTY JUDGE DATE SIGNED: 10-26-07

ATTEST:

Planning Subdivisions Large Scale Developments Building Permits/Inspections Floodplain Management



905 NW 8th Street Bentonville, AR 72712 Tel: 479.271.1003 Fax: 479.464.6170

April 30, 2012

Ms. Diana Herrera, CFM National Hazards Program Specialst DHS / FEMA Region 6 Mitigation Division 800 North Loop 288 Denton, TX 72609-3698

Dear Diana:

REVISIONS TO BENTON COUNTY FIS AND FIRM ACCEPTED BY COUNTY

Attached please find one original copy of Ordinance 2012-21 which was adopted on April 26, 2012; by the County Quorum Court. It was signed by Judge Robert Clinard, and filed in the court records at Book 8, Page 462 as of this date. The eleven maps and updated Index have become part of the documents used within our Flood Damage Prevention Program.

Let us know if you have any questions or comments regarding this action. Thank you for your work to help our residents understand the flood hazards in and around our county.

Sincerely,

Richard McKeehan, PE CFM

Sr Planner, Floodplain Administrator

Cc: Elizabeth Bowen, Administrator

Mike Borengasser Chris Ryan, Director

file

Planning Subdivisions Large Scale Developments Building Permits/Inspections Floodplain Management



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Sincerely,

Richard McKeehan, PE CFM Sr Planner, Floodplain Administrator

Cc: Elizabeth Bowen, Administrator

Mike Borengasser Chris Ryan, Director

file

ADOPTED

APR 2 6 2012

FILED

ORDINANCE NO. O-2012-21

2012 APR 27 PM 4: 42

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF & PROBATE CLERK BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTIREMENTON COUNTY AR

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 38 (FLOODS) OF THE CODE OF ORDINANCES OF BENTON COUNTY, ARKANSAS TO UPDATE THE FLOOD DAMAGE PREVENTION PROGRAM FOR BENTON COUNTY

WHEREAS, Benton County has been notified by the Federal Emergency Management Agency (FEMA) that certain Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) Volumes 1 and 2 for the county have been updated and would become effective on June 5, 2012; and

WHEREAS, said amendment is necessary to ensure Benton County's continued participation in the National Flood Insurance Program (NFIP).

NOW THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

ARTICLE 1. That Section 38-30, Basis for establishing areas of special flood hazard, of the Code of Ordinances of Benton County, Arkansas is hereby amended to read as follows:

"The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Benton County, Arkansas and Incorporated Areas" dated June 5, 2012 with accompanying flood insurance rate maps (FIRM), dated June 5, 2012 for the following maps are adopted by reference and declared to be part of this article.

MAP NUMBERS	MAP NUMBERS
05007C0095K	05007C0115K
05007C0220K	05007C0235K
05007C0245K	05007C0255K
05007C0260K	05007C0265K
05007C0270K	05007C0280K
05007C0290K	

The areas of special flood hazard identified by FEMA for the remainder of FIRM maps dated September 28, 2007 and listed in the FIRM Map Index, Map Number 05007CIND0B, shall continue in use for flood hazard identification.

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FILED

ARTICLE 11. Severability. If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of this ordinance is invalid or unconstitution and the section in no way affects the validity of the remaining portions of this ordinance.

TENA O'BRIEN CO & PROBATE CLERK BENTON COUNTY AR

APPROVED:

ROBERT D. CLINARD, COUNTY JUDGE DATE SIGNED: 4001 27. 7012

ATTEST

TENA O'BRIEN, COUNTY CLERK

SPONSOR: JP Tom Allen

ADOPTED: April 26, 2012

Votes for: 11 Against: 1

Abstain: _ Present: _ Absent: _1

CERTIFICATE OF CLERK
COUNTY OF BENTON
TENA OBRIEN. Clerk of the County and Probate County
in and for the County and State aforesaid, do hereby cartify
that this instrument of writing is a true and complete copy,
and the same appears of record in County
Book Page Benton County and official seal this

day of TENA OBITEN, Clerk
Benton County Arkansas