

## **TITLE 13**

### **PLANNING**

#### **Chapters:**

- 13.04 Planning Commission
- 13.08 Drainage Commission
- 13.12 Floodplain Regulation
- 13.16 Crossett/Ashley Joint Planning Commission

### **CHAPTER 13.04**

#### **PLANNING COMMISSION**

#### **Sections:**

- 13.04.01 Commission created
- 13.04.02 Terms of members
- 13.04.03 Organization; rules
- 13.04.04 Powers and duties
- 13.04.05 Future developments
- 13.04.06 Master street plan
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13.04.01 Commission created. Pursuant to A.C.A. 14-56-404 (1998 Repl.), and all subsequent amendments thereto, there is hereby created a City Planning Commission to consist of six members, and at least two-thirds (2/3) of whom shall not hold any other elective or appointive municipal office. The members of the Commission shall be nominated by the Mayor and confirmed by the City Council. (Ord. No. A-143, Sec. 1, Sept. 15, 1956; Ord. No. A-312, Sec. 1, Feb. 15, 1971.)

13.04.02 Terms of members The members of the City Planning Commission shall each be appointed for a term of three years, commencing with the anniversary date of the appointment, provided that, of the members of the Commission first appointed, two members shall be appointed initially for a term of three years, two members shall be appointed initially for a term of two years, two members shall be appointed initially for a term of one year; and when the term of any member shall expire or when a vacancy shall otherwise occur, the Mayor shall make a nomination to fill such vacancy. (Ord. No. A-143, Sec. 2, Sept. 15, 1956; Ord. No. A-312, Sec. 1, Feb. 15, 1971.)

#### 13.04.03 Organization; rules

- A. The City Planning Commission shall elect from its members a chairman, a vice-chairman and a secretary. The Chairman shall not hold any other municipal office or appointment.
- B. The City Planning Commission shall make and adopt rules and regulations to govern its proceedings, which shall provide for a regular meeting date of the Commission at least once a month and more often if prescribed by the Commission, and such rules and regulations shall provide for such committees within the Commission as may be found necessary and advisable, and the duties of such committees shall be prescribed by the Commission. No committee may exercise duties delegated by the acts of the state and this code that are organic to the Commission. Such rules and regulations may also provide for special meetings and the manner of their calling. (Ord. No. A-143, Sec. 3, Sept. 15, 1956.)

#### 13.04.04 Powers and duties

- A. The City Planning Commission is vested with all of the powers and duties prescribed and set forth in A.C.A. 14-56-412 *et seq.* (1998 Repl.), as amended, and particularly shall make a comprehensive study of present conditions and future growth of the city and its neighboring and/or adjacent territory, for the purpose of planning a coordinated, adjusted and harmonious development of the city and its environs which would promote, in accordance with present and future needs, the safety, morals, order, convenience, prosperity, and general welfare of its citizens; efficiency and economy in the process of development; convenience of traffic; safety from fire and other dangers; adequate light and air; healthful and convenient distribution of population; provision of adequate open spaces; good civic design and arrangement; wise and efficient expenditures of public funds; adequate provision for public utilities; and for other matters pertaining to the public requirements.
- B. The Commission shall have the authority to cooperate with official and unofficial planning bodies for the purpose of coordinating the preparation of plans for the city and the adjacent territory. (Ord. No. A-143, Sec. 8, Sept. 15, 1956)

#### 13.04.05 Future developments

- A. The City Planning Commission shall formulate and maintain a plan of the territory within its planning jurisdiction as provided in A.C.A. 14-56-113 (1998 Repl.) which shall be adopted by the Commission by resolution after public hearing and notice as provided by law.

- B. When the City Planning Commission has approved any such plan, the same shall be certified to the City Council and shall be filed in the office of the City Clerk/Treasurer and in the office of the Circuit Clerk of Ashley County.
- C. The City Council, on receipt of a certified copy of a plan, may accept, amend, modify or reject the plan in whole or part. On acceptance of a plan by the City Council, it shall be and become in full force and effect binding upon all persons with the force of law.
- D. When a plan has been adopted by the City Planning Commission, filed for record and accepted by the City Council, the same shall not be changed, altered or amended except by the procedure required by law.
- E. Whenever a plan has been so adopted, filed and becomes effective, no new street, square, park or other public way, ground or open space or any public building or structure or public utility, whether publicly or privately owned, shall be constructed or authorized to be constructed in any section or district of the planning jurisdiction embraced within a plan until the location, character and extent thereof shall have been submitted to the City Planning Commission. (Ord. No. A-143, Sec. 6, Sept. 15, 1956)

13.04.06 Master street plan The City Planning Commission shall review all proposed voluntary annexation of land to the city prior to consideration by the City Council, and it shall be the duty and obligation of the City Planning Commission to ensure that the lands which are proposed for annexation are suitable for annexation to the city, and the Planning Commission shall make written recommendations to the City Council concerning the proposed annexation. (Ord. No. A-143, Sec. 7, Sept. 15, 1956; Ord. No. A-425, Sec. 1, Aug. 18, 1980.)

13.04.07 Employment The City Planning Commission is hereby authorized to employ such assistants (staff, consultants, etc.) as deemed necessary in carrying out its duties and responsibilities. The City Planning Commission cannot expend or encumber city funds without prior appropriation by the City Council. (Ord. No. A-143, Sec. 4, Sept. 15, 1956)

## **CHAPTER 13.08**

### **DRAINAGE COMMISSION**

#### **Sections:**

13.08.01	Drainage Commission established
13.08.02	Members
13.08.03	Duties
13.08.04	Rules
13.08.05	Meetings
13.08.06	Records

13.08.01 Drainage Commission established There is hereby created a commission which shall be known as the Drainage Commission (referred to in this article as the Commission) for the purposes and to have the powers and perform the duties which are prescribed in this article. (Ord. No. A-424, Sec. 1, Aug. 18, 1980.)

13.08.02 Members The Commission shall be composed of five members, who shall be qualified electors of the city and who shall be appointed by the Mayor with the advice and consent of the City Council for a term of five years. Vacancies shall be filled by appointment by the Mayor with the advice and consent of the City Council. Each member of the Commission shall execute an oath of office as required by other public officials of the city. The Commissioners shall not receive a salary, but may be reimbursed for actual expenses incurred by them in the discharge of their duties. (Ord. No. A-424, Sec. 1, Aug. 18, 1980.)

13.08.03 Duties The Commission shall have the power and duty to identify floodprone areas within the city and prepare studies, formulate plans and establish a drainage system which will relieve the floodprone areas of the city from future drainage problems. In accomplishing its duties and responsibilities, the Commission:

- A. May contract with engineers or other consultants or agencies for assistance or professional advice.
- B. May acquire property and materials for its use and incur necessary expense within the limits of its budget as appropriated by the City Council or from funds as may be available to the Commission from time to time, but shall not appropriate any monies in excess of monies actually received or available to it.
- C. May receive for its own use and purposes any grants, gifts, or contributions made for furtherance of its purposes.

- D. Shall prepare an annual budget which shall be submitted to the City Council for review and approval no later than the third Monday in December of each year.
- E. Shall have the authority to contract and enter into agreements in its name to accomplish its necessary duties and purposes. (Ord. No. A-424, Sec. 1, Aug. 18, 1980.)

13.08.04 Rules The Commission shall adopt such rules and regulations as it may deem necessary and expedient for the proper operation and management of the Commission. (Ord. No. A-424, Sec. 1, Aug. 18, 1980.)

13.08.05 Meetings The Commission shall meet at least monthly and any member who misses four consecutive meetings shall automatically forfeit his appointment to the Commission, and his position as a Commissioner shall be considered vacant and such vacancies shall be filled. (Ord. No. A-424, Sec. 1, Aug. 18, 1980.)

13.08.06 Records The Commission shall keep records of all revenues and expenditures of the Commission. It shall be the duty of the commissioners to prepare and file an annual report of the financial affairs and conditions of the Commission by the third Monday in January of each year. (Ord. No. A-424, Sec. 1, Aug. 18, 1980.)

## **CHAPTER 13.12**

### **FLOODPLAIN REGULATION**

**Sections:**

- 13.12.01 Purpose
- 13.12.02 Methods of reducing flood losses
- 13.12.03 Definitions
- 13.12.04 Lands to which this chapter applies
- 13.12.05 Basis for establishing area of special flood hazard
- 13.12.06 Establishment of development permit
- 13.12.07 Compliance
- 13.12.08 Abrogation and restrictions
- 13.12.09 Interpretation
- 13.12.10 Warning and disclaimer
- 13.12.11 Designation of the Floodplain Administrator
- 13.12.12 Duties
- 13.12.13 Permit procedures

- 13.12.14 Variance procedures
- 13.12.15 General standards
- 13.12.16 Standards for subdivision proposals

13.12.01 Purpose It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone lines and sewer lines, streets, and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- G. Insure that potential buyers are notified that property is in a flood area.  
(Ord. No. 04-5, March 15, 2004.)

13.12.02 Methods of reducing flood losses In order to accomplish its purposes, this chapter uses the following methods:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.  
(Ord. No. 04-5, March 15, 2004.)

13.12.03 Definitions Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

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

**Apex** – a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**Area of shallow flooding** – a designated AO, AH, or VO zone on the city of Crossett, Arkansas' (the City) 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, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of special flood hazard** – the land in the floodplain within the city 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 Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

**Base flood** – the flood having a one percent chance of being equaled or exceeded in any given year.

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

**Critical feature** – an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**Development** – any man-made change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Elevated building** – a non-basement building

- A. built, in the case of 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 in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above ground level by means of pilings, columns (post and piers), or shear walls parallel to the floor of the water and
- B. adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of 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 flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a buildings 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.

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

**Existing manufactured home park or subdivision** – 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 March 15, 2004.

**Expansion to an existing manufactured home park or subdivision** – 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).

**Flood or flooding** – a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. the overflow of inland or tidal waters; and
- B. the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood hazard boundary map (FHBM)** – an official map of the city, issued by the Administrator, where the boundaries of the flood, mudslide (i.e. mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

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

**Flood insurance study** – 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.

**Floodplain or floodprone area** – any land area susceptible to being inundated by water from any source.



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

**Floodplain management regulations** – 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 protection system** – those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within the city subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**Flood proofing** – any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**Floodway (regulatory floodway)** – 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.

**Functionally dependent use** – 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 the unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

**Historic structure** – any structure that is:

- A. Listed individually in the *National Register of Historic Places* (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the *National Register*.
- B. 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;

- C. 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
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either;
  - 1. by an approved state program as determined by the Secretary of the Interior or;
  - 2. directly by the Secretary of the Interior in states without approved programs.

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

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

**Lowest floor** – the lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access 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 violation of the applicable non-elevation design requirement of Section 60.3 of the *National Flood Insurance Program* regulations.

**Manufactured home** – a structure transportable in one or more sections, which is built on a permanent chassis and is designated 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** – 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 a community's Flood Insurance Rate Map are referenced.

**New construction** – means for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such

structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision** – 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.

**Recreational vehicle** – a vehicle which is

- A. built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projections;
- C. designed to be self-propelled or permanently towable by a light duty truck;
- D. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Start of construction** – (for other than new construction or substantial 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, 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 basements, 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.

**Structure** – a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**Substantial damage** – damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the fair market value of the structure before the damage occurred.

**Substantial improvement** – any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the fair 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:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary conditions, or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Variance** – a grant of relief to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (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 city'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** – 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. Ord. No. 04-5, March 15, 2004.)

13.12.04 Lands to which this chapter applies The chapter shall apply to all areas of special flood hazard within the jurisdiction of the city of Crossett, Arkansas. (Ord. No. 04-5, March 15, 2004.)

13.12.05 Basis for establishing area of special flood hazard Since areas of special flood hazard have not been identified, water surface elevations have not been provided, nor has sufficient data identifying the floodway or coastal high hazard area been provided by the Federal Emergency Management Agency (FEMA), the city shall obtain, review, and reasonably utilize data available from other federal, state or other sources. (Ord. No. 04-5, March 15, 2004.)

13.12.06 Establishment of development permit A development permit shall be required to ensure conformance with the provisions of this chapter. (Ord. No. 04-5, March 15, 2004.)

13.12.07 Compliance No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations. (Ord. No. 04-5, March 15, 2004.)

13.12.08 Abrogation and restrictions This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. No. 04-5, March 15, 2004.)

13.12.09 Interpretation In the interpretation and application of this chapter, all provisions shall be:

- A. considered as minimum requirements;
- B. liberally and broadly construed in favor of the city; and
- C. deemed neither to limit nor repeal any other available police powers.  
(Ord. No. 04-5, March 15, 2004.)

13.12.10 Warning and disclaimer The degree of flood protection required by this chapter 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 chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the city or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. No. 04-5, March 15, 2004.)

13.12.11 Designation of the Floodplain Administrator The Crossett Building Official is hereby appointed as the Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (*National Flood Insurance Program Regulations*) pertaining to floodplain management. (Ord. No. 04-5, March 15, 2004.)

13.12.12 Duties Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- A. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
- B. Review permit applications to determine whether proposed construction or other development, including the placement of manufactured homes, will be reasonably safe from flooding.
- C. Review and approve or deny all applications for development permits required hereunder.

- D. Review permits for proposed development to assure 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, U.S.C. 1334) from which prior approval is required.
- E. 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) the Floodplain Administrator shall make the necessary interpretation. (Ord. No. 04-5, March 15, 2004.)

13.12.13 Permit procedures

- A. Application for a development permit shall be presented to the Floodplain Administrator on forms furnished by him 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 the foregoing 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 non-residential structure shall be floodproofed;
  - 3. A certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the floodproofing criteria hereunder;
  - 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
  - 5. Maintain a record of all such information in accordance with this chapter.
- B. Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:
  - 1. The danger to life and property due to flooding or erosion damage;
  - 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - 3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets, bridges, and public utilities and facilities, such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. The relationship of the proposed use to the Comprehensive Plan for the city. (Ord. No. 04-5, Sec. 13.)

#### 13.12.14 Variance procedures

- A. The Board of Adjustments (the Board) shall hear and render judgment on requests for variances from the requirements of this chapter.
- B. The Board shall hear and render judgment 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 chapter.
- C. Any person or persons aggrieved by the decision of the Board may appeal such decision to the Ashley County Circuit Court.
- D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- E. 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 chapter.

- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in this chapter have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- G. Upon consideration of the factors noted above and the intent of this chapter, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.
- H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- J. Prerequisites for granting variances:
  - 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - 2. Variances shall only be issued upon
    - a. showing a good and sufficient cause;
    - b. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - 3. Any applicant 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.
- K. Variances may be issued by the city of Crossett for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that



1. the criteria outlined herein are met, and
2. 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. (Ord. No. 04-5, March 15, 2004.)

13.12.15 General standards In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements.

- A. 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;
- B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- D. 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/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
- G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. No. 04-5, March 15, 2004.)

13.12.16 Standards for subdivision proposals

- A. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with this chapter.
- B. All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions shall meet development permit requirements of this chapter.

- C. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
- D. All subdivision proposals, including the placement of manufactured home parks and subdivisions shall have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

**CHAPTER 13.16**

**CROSSETT/ASHLEY JOINT PLANNING COMMISSION**

Sections:

- 13.16.01 Establishment
- 13.16.02 Creation
- 13.16.03 Membership
- 13.16.04 Meetings
- 13.16.05 Cooperation
- 13.16.06 Powers
- 13.16.07 Financing
- 13.16.08 Addition of other bodies
- 13.16.09 City Planning Commission
- 13.16.10 Amendments and area covered

13.16.01 Establishment Under the provision of A.C.A. 14-56-501 *et seq.* (1998 Repl.), the city, the county and Sewer Improvement District No. 3 of Ashley County, called parties to the agreement, agree to join cooperatively in area planning and to establish a regional planning commission. (Ord. No. A-280, Sec. 1, July 17, 1967.)

13.16.02 Creation In order to establish and maintain cooperation in area planning, the parties to this agreement join in the creation of a joint planning agency to be known as the Crossett/Ashley Joint Planning Commission, referred to in this article as the Joint Planning Commission. (Ord. No. A-280, Sec. 1, July 17, 1967.)

13.16.03 Membership The Joint Planning Commission shall be constituted as follows:

- A. The Joint Planning Commission shall consist of six members, of whom two members shall be appointed by each party to the agreement. A majority of the members of the Joint Planning Commission may not hold any other public office

except appointive membership on a City Planning Commission or County Planning Board.

- B. All members of the Joint Planning Commission shall be appointed for a term of three years.
- C. If another public authority or agency which operates wholly or in part within the area covered by this agreement is asked to join and is added to the Joint Planning Commission, in accordance with the terms of this agreement, the number of members of the Joint Planning Commission may be increased by agreement of the parties thereto and the governing body of such other public authority or agency. (Ord. No. A-280, Sec. 1, July 17, 1967.)

#### 13.16.04 Meetings

- A. The Joint Planning Commission shall elect its own officers, including a chairman, a vice-chairman and a secretary/treasurer, who shall serve one-year terms as such officers, and who shall perform the duties conferred upon them by the bylaws of the Joint Planning Commission.
- B. The Joint Planning Commission shall adopt bylaws consistent with this article and with the statutes authorizing the creation of the Joint Planning Commission, which in its judgment are necessary for the operation of the Commission. (Ord. No. A-280, Sec. 1, July 17, 1967.)

#### 13.16.05 Cooperation

- A. The parties to the agreement shall cooperate on area planning and shall furnish the Joint Planning Commission, on request, any information or documents in their possession or control, and shall aid wherever possible the work of the Joint Planning Commission by the cooperation of their officials, departments and agencies.
- B. The Joint Planning Commission may assist the parties to the agreement in carrying out any area plans developed by the Joint Planning Commission, and may assist any of the parties to this agreement or other public bodies in the preparation or effectuation of local plans or planning consistent with the program and means of the Joint Planning Commission. (Ord. No. A-280, Sec. 1, July 17, 1967.)

#### 13.16.06 Powers

- A. The Joint Planning Commission shall have the powers, duties and functions as provided in A.C.A. 14-56-501 *et seq.* (1998 Repl.), in connection with the

preparation of area wide studies and plans, in assisting the parties to this agreement in the field of planning, in informing the public and promoting public interest and understanding, and in making official planning recommendations to the parties to this agreement for acceptance and effectuation.

B. In further particulars of the means and methods of operation and functioning, the Commission:

- 1. May hire staff and/or contract for planning services with outside agencies or consultants.
- 2. Shall prepare an annual report for the parties to the agreement and prepare and publish studies and reports in connection with its work.
- 3. May acquire property and materials for its use and incur necessary expense within the limits of its budget as appropriated by the parties of agreement and as otherwise provided.
- 4. May receive for its own use and purposes any funds or moneys as provided under A.C.A. 14-56-508 (1998 Repl.)
- 5. Shall prepare an annual budget to be submitted for approval to the parties to this agreement; this budget may be prepared to provide for both general funds and expenditures and for special funds and expenditures.
- 6. May determine the area appropriate for the preparation of a regional plan or plans within its planning jurisdiction and determine appropriate planning districts within this area. (Ord. No. A-280, Sec. 1, July 17, 1967.)

13.16.07 Financing The Joint Planning Commission shall be financed in the following manner:

A. The Joint Planning Commission shall prepare an annual budget for presentation to the parties to this agreement by October 15 for the following year. The funds for this budget as provided and approved by the parties to the agreement shall be provided as follows:

City of Crossett	\$1.50 per capita
Ashley County	\$1.50 per capita
Sewer Improvement District No 3 of Ashley County	\$1.50 per capita

When other public bodies are added to the Joint Planning Commission, further agreement as to division of costs may be made.

- B. The acceptance of the budget by the parties to this agreement shall carry with it the authority for the Commission to encumber and expend funds as budgeted during the calendar year. (Ord. No. A-280, Sec. 1, July 17, 1967.)

13.16.08 Addition of other bodies

- A. In accordance with the provisions of Ark. Code Ann. 14-56-501 *et seq.* (1998 Repl.), any other public authority, board, commission, or agency, or body operating within, wholly or in part, the area covered by this joint planning cooperation may join the agreement through resolution of its governing body, board or commission.
- B. Upon such resolution, this agreement may be amended, modified or added to, in order to provide for such public body to become a party to this agreement without requiring any new action by any of the parties other than approval by resolution, order or other appropriate means. Upon the joining of any other public body, the membership of the Commission may be increased. (Ord. No. A-280, Sec. 1, July 17, 1967.)

13.16.09 City Planning Commission Nothing in this article is intended or shall be construed as affecting or curtailing in any measure or manner the jurisdiction, functions, powers, authority or autonomy of the City Planning Commission. (Ord. No. A-280, Sec. 1, July 17, 1967.)

13.16.10 Amendments and area covered

- A. The agreement may be modified and amended through the recommendation of any of the parties to the agreement or through recommendation of the Joint Planning Commission to all parties and upon approval of the parties to the agreement, and such approval shall be by the form in which the agreement is originally approved by the parties.
- B. The area covered and included for planning purposes in the agreement shall include the city and all of the unincorporated area of Egypt and Millcreek, Townships of Ashley County. (Ord. No. A-280, Sec. 1, July 17, 1967.)

