

**ORDINANCE NO. 1840**

**AN ORDINANCE AMENDING CHAPTER 11.32, "FLOOD LOSS PREVENTION", OF THE MUNICIPAL CODE TO REFLECT FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION STANDARDS REGARDING ZONE A OF THE FLOOD INSURANCE RATE MAP**

**WHEREAS**, a study has been conducted of reference material in Chapter 11.32, Flood Loss Prevention, of the Eureka Springs Municipal Code (Code) in regard to Zone A of the Flood Insurance Rate Map (FIRM) for the purpose of compliance with Federal Emergency Management Administration (FEMA) standards; and

**WHEREAS**, Chapter 11.32 of the Code should be amended to more accurately reflect the FEMA standards in regards to Zone A; NOW, THEREFORE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS:**

1. That Chapter 11.32, section 5, "Definitions" is amended by the addition to read as follows:

Section 11.32.05 Definitions. *Base flood elevation* means the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, or other Datum as specified.

2. That Chapter 11.32, section 5, "Definitions", *Floodway (regulatory floodway)* is amended to read as follows:

Section 11.32.05 Definitions. *Floodway (regulatory floodway)* means the channel or 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 one foot.

3. That Chapter 11.32, section 14, subsection 01, "Permit Review" is amended by the addition of subsection d) to read as follows:

Section 11.32.14.01 Permit Review

d) Review all development permits to determine that the proposed development does not adversely affect the carrying capacity of areas where the base flood limits have been mapped (Zone A), but the floodway has not been designated on the FIRM. For purposes of this ordinance, "adversely affects" means 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. However, under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.

- 4. That all ordinances or resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.**

**APPROVED:**

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**BEAU ZAR SATORI, Mayor**

**ATTEST:**

\_\_\_\_\_  
**MARY ANN LEE, City Clerk**

CERTIFICATE

The undersigned, City Clerk of the City of Eureka Springs, Arkansas (the City), hereby certifies that the foregoing pages are a true and correct copy of Ordinance No. 1840, adopted at a regular session of the City Council of the City, held at the regular meeting place of the City Council at 7:00 p.m. on the \_\_\_\_ day of \_\_\_\_\_, 2000, and that said Ordinance is of record in Ordinance Record Book No. \_\_\_\_\_ of the City, now in my possession.

GIVEN under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
City Clerk

(SEAL)