Bryant City Council Workshop

Boswell Municipal Complex - City Hall Court Room

210 SW 3rd Street

YouTube: https://www.youtube.com/c/bryantarkansas

Date: September 30, 2025 - **Time:** 5:30 PM

Call to Order

Public Comments

Old Business

New Business

Planning & Development

1. **Resolution 2025-40** - Comprehensive Growth Plan Contract with Crafton Tull

   Discussion

   - Resolution 2025-40 Comp_Growth_Plan.pdf

2. **August 5, 2025 Legislative Changes**

   Overview & Discussion

3. **DRAFT Zoning Code Changes**

   Discussion on solar arrays and accessory dwelling units.

   - Zoning Code Changes Ordinance - Section 10.14.docx.pdf

4. **Request for a Variance on Flood Plain Ordinance** - Tarver Property on Midland Road

   Discussion

   - Flood_Plain_Variance_Tarver.pdf

Public Works

5. **Ordinance 2025-11 & Ordinance 2025-12** - Water & Sewer Rate Study

   Presentation & Discussion

   - Community Engagement Townhall Presentation.pdf
   - Ordinance 2025-11 Water_Rates.pdf
   - Ordinance 2025-12 Wastewater_Rates.pdf

Adjournments

Bryant’s Water & Sewer Rate Study: Investing in the Future

Welcome to Bryant’s Water & Sewer Rate Study presentation. Today, we’ll explore essential investments in our water and sewer systems that ensure reliable services, fair rates, and a strong future for our community.



Understanding Act 605: Arkansas Water & Sewer Compliance Requirements

Act 605, passed in Arkansas in 2021, introduces critical compliance requirements for water and sewer systems across the state.

Key requirements include:

- Training for members of the governing body
- Mandated rate studies by an approved third party every five years
- Implementation of full cost pricing to cover capital and operation & maintenance costs for water services
    - This requires rates to adequately cover the water system's operation and maintenance costs, debt service, required reserves, depreciation, future capital expenses, other expenses, and a preparation of an audit.

The compliance deadline for these requirements is **July 1, 2026**.

Why We're Here

$61.8M

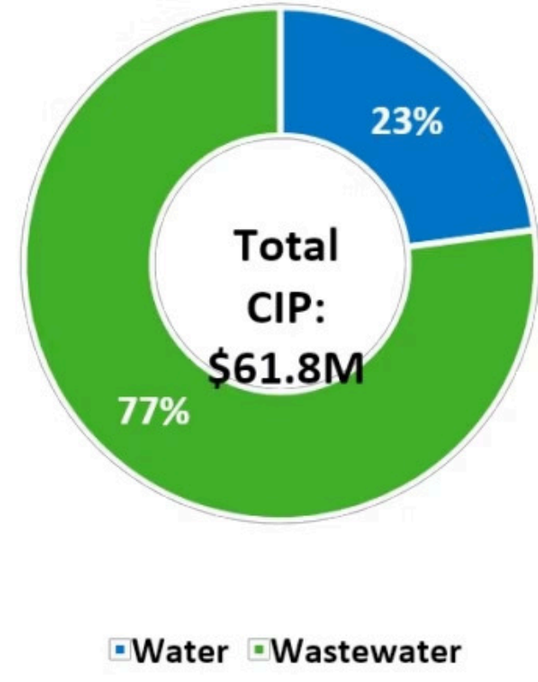
Investment in Critical Water & Sewer Improvements

Over the next five years, Bryant will invest $61.8 million in critical water and sewer system improvements. These upgrades are essential for ensuring reliable daily service, effective fire protection, and the capacity to support community growth. This proactive approach aligns with Act 605, requiring that water and sewer rates reflect costs outlined in adopted master plans and Capital Improvement Programs (CIPs).

PROJECTED CAPITAL IMPROVEMENT PLAN (FY2025-2030)

WATER PROJECTS	
NEAR TERM (2025 – 2029)	
1.5M Gallon Tank @ N. Reynolds / High School	$ 11,000,000
12" extension Boon Rd	1,300,000
System Transmission, Springhill, I-30 to Hwy 5N	1,000,000
Bryant Pkwy I-30 to Johnswood	740,000
Fireflow Improvemnet Project -- N. Reynolds Rd at Rogers Rd.Crossig	40,000
Woody Dr to Steeplechase Cir	80,000
Total	**14,160,000**

WASTEWATER PROJECTS	
NEAR TERM (2025 – 2029)	
Disinfection / Contact Basin / Dissolved Oxygen Basin Improvements	$ 4,230,000
Headworks & Grit Removal Improvements	5,922,000
Activated Sludge Process Improvements	12,250,000
Clarification Improvements / WAS / RAS	9,024,000
BR-04 Lift Station LS-05 Upgrade	8,625,000
Lift Station LS-05 Parallel Force Main	7,618,000
Total	**47,669,000**
TOTAL CIP	**$ 61,829,000**



Rate Proposals by Department

To support these vital improvements, proposed rates will be adjusted as follows:

- Water rates will increase by **9%**
- Sewer rates will increase by **6%**

		Current	Effective Jan-26	Jan-27	Jan-28	Jan-29	Jan-30
WATER							
Residential and Non Residential							
Monthly Minimum Charge							
5/8"		$ 14.53	**$ 15.84**	$ 17.26	$ 18.82	$ 20.51	$ 22.36
1"		21.80	**23.76**	25.90	28.23	30.77	33.54
1 1/2"		36.33	**39.60**	43.16	47.05	51.28	55.90
2"		72.65	**79.19**	86.32	94.08	102.55	111.78
3"		116.24	**126.70**	138.10	150.53	164.08	178.85
4"		217.96	**237.58**	258.96	282.26	307.67	335.36
6"		726.53	**791.92**	863.19	940.88	1,025.56	1,117.86
Volume Rate Per 100 Gal							
2,000	Above	0.698	**0.761**	0.829	0.904	0.985	1.074

	Current	Effective Jan-26	Jan-27	Jan-28	Jan-29	Jan-30
WASTEWATER						
Residential & Non-Residential Inside						
Monthly Minimum Charge	$ 20.70	**$ 21.94**	$ 23.26	$ 24.65	$ 25.15	$ 25.65
Volume Rate/100 Gal (2,000-Above)	1.104	**1.170**	1.240	1.315	1.341	1.368
Salem/Quail Ridge						
Monthly Minimum Charge	$ 41.40	**$ 43.88**	$ 46.52	$ 49.31	$ 50.29	$ 51.30
Volume Rate/100 Gal	1.104	**1.170**	1.240	1.315	1.341	1.368
Drain Water (County Landfield)						
Volume Rate/per Gallon	0.0575	**0.0610**	0.0646	0.0685	0.0699	0.0713

		Current	Jan-26	Jan-27	Jan-28	Jan-29	Jan-30
WW Infrastructure Monthly Charge							
(in addition to mthly chgs)	**5/8"**	**$ 15.75**	**$ 10.00**	$ 10.50	$ 11.03	$ 11.58	$ 12.16
	1"	52.50	**55.13**	57.88	60.78	63.81	67.00
	1 1/2"	105.00	**110.25**	115.76	121.55	127.63	134.01
	2"	168.00	**176.40**	185.22	194.48	204.21	214.42
	3"	336.00	**352.80**	370.44	388.96	408.41	428.83
	4"	530.25	**556.76**	584.60	613.83	644.52	676.75
	6"	1,060.50	**1,113.53**	1,169.20	1,227.66	1,289.04	1,353.50
	8"	1,060.50	**1,113.53**	1,169.20	1,227.66	1,289.04	1,353.50

What's Changing in Bryant

To support these vital improvements, proposed rates will be adjusted as follows:

- Water rates will increase by **9%**
- Sewer rates will increase by **6%**
- Infrastructure fees for 5/8″ meters will be reduced from **$15.75** to **$10**

The impact means minimum-use customers will actually see a **$3.20 monthly savings**, while higher consumption users will experience modest increases proportional to their usage.

IMPACT OF RATE PLAN ON COMBINED MONTHLY CHARGES

			Current	Effective Jan-26	Jan-27	Jan-28	Jan-29	Jan-30
Residential Monthly Charges -- 5/8"								
2,000 Water	2,000 WW		$ 50.98	**$ 47.78**	$ 51.02	$ 54.50	$ 57.23	$ 60.16
	Increase -- $			**(3.20)**	3.24	3.47	2.74	2.93
	Increase -- %			**-6.3%**	6.8%	6.8%	5.0%	5.1%
5,000 Water	5,000 WW		105.04	**105.71**	113.11	121.06	127.03	133.42
	Increase -- $			**0.67**	7.40	7.95	5.97	6.39
	Increase -- %			**0.6%**	7.0%	7.0%	4.9%	5.0%
10,000 Water	10,000 WW		195.14	**202.26**	216.60	232.00	243.35	255.52
	Increase -- $			**7.12**	14.34	15.40	11.35	12.17
	Increase -- %			**3.7%**	7.1%	7.1%	4.9%	5.0%
Commercial Monthly Charges -- 2"								
25,000 Water	25,000 WW		$ 675.81	**$ 721.67**	$ 770.84	$ 823.55	$ 866.99	$ 913.50
	Increase -- $			**45.86**	49.16	52.71	43.44	46.51
	Increase -- %			**6.8%**	6.8%	6.8%	5.3%	5.4%

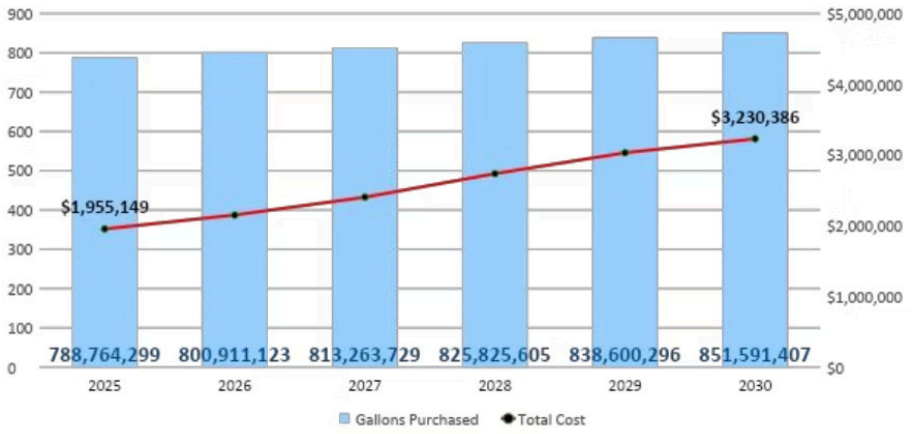
Updated Volumetric Rate

Central Arkansas Water	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
Wholesale Rates											
Bryant Water and Sewer	$ 1.24	$ 1.24	$ 1.46	$ 1.62	$ 1.74	$ 1.88	2.02	2.12	2.22	2.34	2.46

1 CCF =748.052 Gallons

Central Arkansas Wa	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
Rate Schedule										
5/8"	$ -	$ 0.50	$ 0.75	$ 1.00	$ 1.50	$ 2.50	$ 3.50	$ 3.75	$ 4.00	$ 4.25
3/4"	-	0.75	1.13	1.50	2.25	3.75	5.25	5.63	6.00	6.38
1"	-	1.25	1.88	2.50	3.75	6.25	8.75	9.38	10.00	10.63
1.5"	-	2.50	3.75	5.00	7.50	12.50	17.50	18.75	20.00	21.25
2"	-	4.00	6.00	8.00	12.00	20.00	28.00	30.00	32.00	34.00
3"	-	8.75	13.13	17.50	26.25	43.75	61.25	65.63	70.00	74.38
4"	-	15.75	23.63	31.50	47.25	78.75	110.25	118.13	126.00	133.88
6"	-	32.50	48.75	65.00	97.50	162.50	227.50	243.75	260.00	276.25
8"	-	70.00	105.00	140.00	210.00	350.00	490.00	525.00	560.00	595.00
10"	-	105.00	157.50	210.00	315.00	525.00	735.00	787.50	840.00	892.50
12"	-	132.50	198.75	265.00	397.50	662.50	927.50	993.75	1,060.00	1,126.25

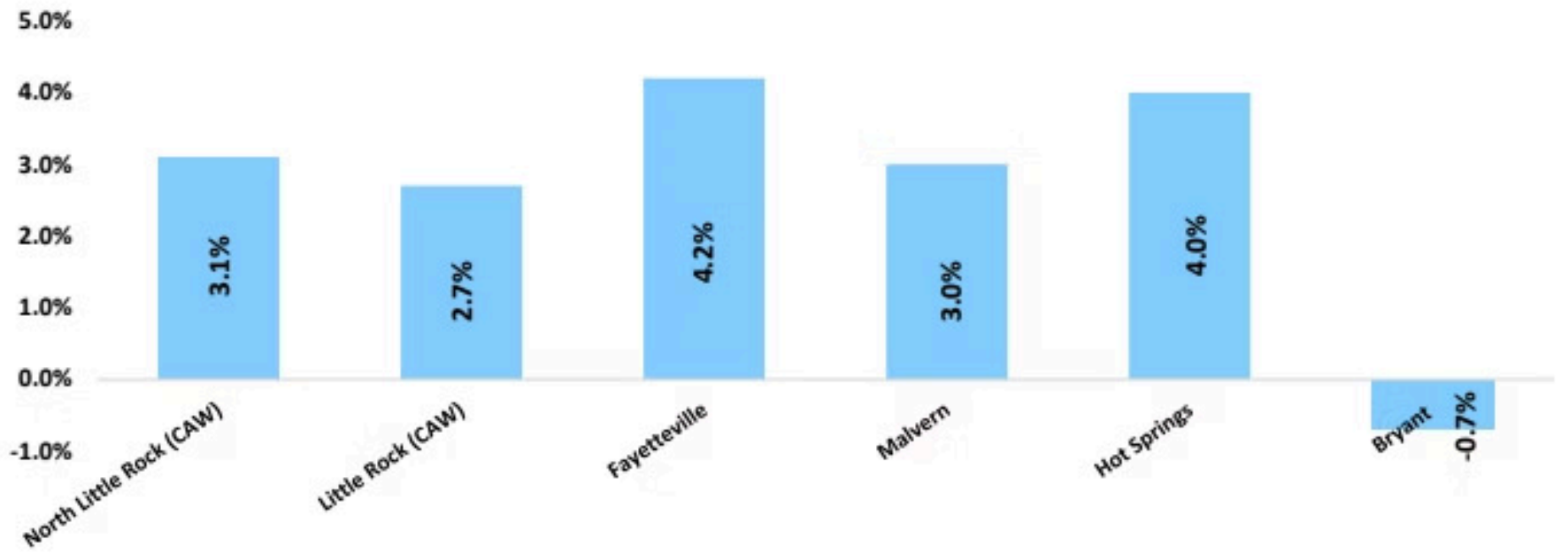
CAW FORECAST WATER COSTS



Volume Growth: 1.6%
CAW Rate Increase: 5.9%
CAW Infrastructure Fee Increase: 22.8%
CAW Watershed Protection Fee Increase: 0.0%
CAW Total Water Costs Increase: 8.8%

100% of our drinking water is currently purchased from Central Arkansas Water. Due to their recent adoption of their own capital improvement plans, they were required to adjust their rates accordingly. Wholesale customers were passed down their next 10 years of rates, and this was taken into account in our recent rate study.

PROPOSED RATE ADJUSTMENTS | IMPACT ON 4KGAL W+WW



NOTE: Bryant's monthly bill includes wastewater infrastructure fee

Bryant

Water Rates: +9% increase

Sewer Rates: +6% increase

Net Customer Impact: -$3.20 monthly savings due to lower minimum bill for 5/8" meters.

Infrastructure Investment: $61.8 million

Conway

Overall Rate Increase: +7%

Monthly Impact: +$3

Infrastructure Funding: $75 million

Bentonville

Overall Rate Increase: +12%

Note: Water rates are projected to double over time.

Springdale

Complex Fee Structure

Total Monthly Impact: +$13.89

Rogers

Overall Rate Increase: +3.5%

Infrastructure Investment: $100 million

Texarkana

Arkansas Side: +16% increase

Texas Side: +5% increase

Across Arkansas, cities are implementing various strategies for water and sewer rate adjustments to fund crucial infrastructure improvements. While some cities see significant rate increases, others like Bryant demonstrate unique approaches to deliver net savings to customers alongside substantial investments.

Community Benefits

- **Improved Property Values:** Investments in infrastructure can lead to increased property values throughout the community.
- **Enhanced Quality of Life:** Reliable services and a healthy environment contribute to a higher quality of life for families.
- **Environmental Protection:** Modernized systems protect local ecosystems and natural resources.
- **Public Health and Safety:** Consistent and safe water services are fundamental to community well-being and public health.
- **Support for Local Schools and Community Facilities:** Robust infrastructure ensures essential services for public institutions.
- **Long-Term Sustainability:** Strategic planning and investment secure vital resources for future generations.

AGENDA ITEM HISTORY SHEET

ITEM TITLE

Ordinance 2025-11 Water Rates

AGENDA NO. 6

AGENDA DATE: 9/30/2025

FUNDING CERTIFICATION (Finance Director) (Signature, if applicable)

9/22/25

MANAGEMENT STAFF REVIEW (Signature)

MAYOR (Signature)

ITEM HISTORY (Previous Council reviews, action related to this item, and other pertinent history)

The proposed rate study has been reviewed at WSAC regular & special meeting, planning commission, community engagement committee, and a meeting with business leaders. Ryan Bowman with Friday Firm along with staff have drafted/reviewed these ordinances.

ITEM COMMENTARY (Background discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

This ordinance reflects the rates that were proposed in our recently completed Water/Wastewater Rate Study. The water rates are scheduled to increase by 9% each year for the next 5 years. Act 605 requires a rate study to be completed by a third party every 5 years, and they require the implementation of full cost pricing meaning we must have rates that provide us with adequate revenue to continue operating the system at the current level of service as well as completing our Council adopted Water Capital Improvement Plan. Our last rate ordinance was passed in 2021 as Ordinance 2021-06.

(This section to be completed by the Mayor)

ACTION PROPOSED (Motion for Consideration)

Complete a first reading of proposed ordinance in September, allow for public hearing to be held during October's Council meeting, and adopt the ordinance as proposed in October to ensure adequate time for Natural Resources Division to review/approve and proper budgeting to occur before rates go into effect January 1, 2026.

ORDINANCE NO. _____

AN ORDINANCE FIXING RATES FOR SERVICES RENDERED BY THE WATER FACILITIES OF THE WATER AND SEWER SYSTEM OF THE CITY OF BRYANT, ARKANSAS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Bryant, Arkansas (the "City") owns and operates a water and sewer system (the "System"); and

WHEREAS, in order to comply with Act 605 of 2021, the City Council has determined that the rates charged for water services of the System should be increased;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bryant, Arkansas:

Section 1. The following monthly rates and charges, which the City Council hereby finds and declares are fair, reasonable and necessary rates, are hereby fixed as rates to be charged for water services to be rendered by the System.

Monthly Water Rates. (a) For water service between January 1, 2026 and December 31, 2026, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

January 1, 2026 - December 31, 2026

For the first 2,000 gallons of water consumption per month or portion thereof:

Meter Size	*Minimum Charge*
5/8"	$ 15.84
1"	23.76
1 1/2"	39.60
2"	79.19
3"	126.70
4"	237.58
6"	791.92

All consumption in excess of 2,000 gallons: $0.761 per 100 gallons

(b) For water service between January 1, 2027 and December 31, 2027, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

January 1, 2027 - December 31, 2027

For the first 2,000 gallons of water consumption per month or portion thereof:

Meter Size	*Minimum Charge*
5/8"	$ 17.26
1"	25.90
1 1/2"	43.16
2"	86.32
3"	138.10
4"	258.96
6"	863.19

All consumption in excess of 2,000 gallons: $0.829 per 100 gallons

(c) For water service between January 1, 2028 and December 31, 2028, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

January 1, 2028 - December 31, 2028

For the first 2,000 gallons of water consumption per month or portion thereof:

Meter Size	*Minimum Charge*
5/8"	$ 18.82
1"	28.23
1 1/2"	47.05
2"	94.08
3"	150.53
4"	282.26
6"	940.88

All consumption in excess of 2,000 gallons: $0.904 per 100 gallons

(d) For water service between January 1, 2029 and December 31, 2029, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

January 1, 2029 - December 31, 2029

For the first 2,000 gallons of water consumption per month or portion thereof:

Meter Size	*Minimum Charge*
5/8"	$ 20.51
1"	30.77
1 1/2"	51.28
2"	102.55
3"	164.08

4"	307.67
6"	1,025.56

All consumption in excess of 2,000 gallons: $0.985 per 100 gallons

(e) For water service between January 1, 2030 and December 31, 2030, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

January 1, 2030 - December 31, 2030

For the first 2,000 gallons of water consumption per month or portion thereof:

Meter Size	*Minimum Charge*
5/8"	$ 22.36
1"	33.54
1 1/2"	55.90
2"	111.78
3"	178.85
4"	335.36
6"	1,117.86

All consumption in excess of 2,000 gallons: $1.074 per 100 gallons

(f) The rates in (e) above shall be increased by 5% on January 1, 2031 and on each January 1 thereafter.

(g) Customers receiving water services to locations outside of City limits will be charged double the prevailing minimum charge.

(h) Each customer 65 years and older, with verification of age, shall receive a senior citizen discount of three dollars and eighty-one cents ($3.81), which shall be deducted from the monthly water bill.

(i) If the City determines that it is necessary to purchase from any secondary water provider, customers will be charged an additional surcharge of $0.04 per 100 gallons of water consumption, in addition to the then-prevailing water rates, for the month in which the City purchases from said secondary provider.

Section 2. (a) On or before June 30, 2029 and on or before June 30 of each fifth (5th) year thereafter, the City shall engage a duly qualified rate analyst not in the regular employ of the City (an "Analyst") to review the then current water and sewer rates and make recommendations as to whether any rate increases are necessary to produce revenues sufficient to pay debt service on outstanding bonds secured by System revenues ("System Bonds"), provide an adequate depreciation fund, pay the costs of operating and maintaining the System and meet any required bond covenants for the ensuing fiscal year.

(b) Beginning in 2026, the City, on or before June 30 of each year that an Analyst is not engaged pursuant to subsection (a) above, shall review the then current water and sewer rates to determine whether any rate increases are necessary to produce revenues sufficient to pay debt service on outstanding System Bonds, provide an adequate depreciation fund, pay the costs of operating and maintaining the System and meet any required bond covenants for the ensuing fiscal year.

Section 3. None of the water services afforded by the System shall be furnished without a charge being made therefore. Any multi-unit that has installed a master meter will pay the Minimum Charge on each unit plus usage shown on the master meter.

Section 4. The provisions of this Ordinance are separable and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 5. All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: _____, 2025.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

CERTIFICATE

The undersigned, City Clerk of the City of Bryant, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. _____, adopted at a regular session of the City Council of the City of Bryant, Arkansas, held at the regular meeting place in said City at 6:30 o'clock p.m., on the _____ day of _____, 2025, and that the Ordinance is of record in Ordinance Record Book No. _____, Page _____, now in my possession.

GIVEN under my hand and seal on this _____ day of _____, 2025.

_____
City Clerk

(SEAL)

AGENDA ITEM HISTORY SHEET

ITEM TITLE
Ordinance 2025-12 Wastewater Rates

AGENDA NO. 7

AGENDA DATE: 9/30/2025

FUNDING CERTIFICATION (Finance Director) (Signature, if applicable)

9/24/25

MANAGEMENT STAFF REVIEW (Signature)

MAYOR (Signature)

ITEM HISTORY (Previous Council reviews, action related to this item, and other pertinent history)

The proposed rate study has been reviewed at WSAC regular & special meeting, planning commission, community engagement committee, and a meeting with business leaders. Ryan Bowman with Friday Firm along with staff have drafted/reviewed these ordinances.

ITEM COMMENTARY (Background discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

This ordinance reflects the rates that were proposed in our recently completed Water/Wastewater Rate Study. The wasterwater rates are scheduled to increase by 6% for 3 years followed by 2% the next 2 years. Act 925 requires the implementation of full cost pricing meaning we must have rates that provide us with adequate revenue to continue operating the system at the current level of service as well as completing our Council adopted Wastewater Capital Improvement Plan. Our last rate ordinance was passed in 2021 as Ordinance 2021-07. This ordinance also includes the Monthly Infrastructure Fee so fees/rates are easily trackable.

(This section to be completed by the Mayor)

ACTION PROPOSED (Motion for Consideration)

Complete a first reading of proposed ordinance in September, allow for public hearing to be held during October's Council meeting, and adopt the ordinance as proposed in October to ensure adequate time for Natural Resources Division to review/approve and proper budgeting to occur before rates go into effect January 1, 2026.

ORDINANCE NO. _____

AN ORDINANCE FIXING RATES FOR SERVICES RENDERED BY THE SEWER FACILITIES OF THE WATER AND SEWER SYSTEM OF THE CITY OF BRYANT, ARKANSAS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Bryant, Arkansas (the "City") owns and operates a water and sewer system (the "System"); and

WHEREAS, the City Council has determined that the rates charged for sewer services of the System should be increased;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bryant, Arkansas:

Section 1. The following monthly rates and charges, which the City Council hereby finds and declares are fair, reasonable and necessary rates, are hereby fixed as rates to be charged for sewer services to be rendered by the System.

Monthly Sewer Rates. (a) For sewer service between January 1, 2026 and December 31, 2026, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

January 1, 2026 - December 31, 2026

For the first 2,000 gallons of water consumption per month or portion thereof	$21.94 (minimum charge)
All water consumption in excess of 2,000 gallons	$1.170 per 100 gallons

(b) For sewer service between January 1, 2027 and December 31, 2027, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

January 1, 2027 - December 31, 2027

For the first 2,000 gallons of water consumption per month or portion thereof	$23.26 (minimum charge)
All water consumption in excess of 2,000 gallons	$1.240 per 100 gallons

(c) For sewer service between January 1, 2028 and December 31, 2028, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

January 1, 2028 - December 31, 2028

For the first 2,000 gallons of water consumption per month or portion thereof	$24.65 (minimum charge)
All water consumption in excess of 2,000 gallons	$1.315 per 100 gallons

(d) For sewer service between January 1, 2029 and December 31, 2029, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

January 1, 2029 - December 31, 2029

For the first 2,000 gallons of water consumption per month or portion thereof	$25.15 (minimum charge)
All water consumption in excess of 2,000 gallons	$1.341 per 100 gallons

(e) For sewer service between January 1, 2030 and December 31, 2030, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

January 1, 2030 - December 31, 2030

For the first 2,000 gallons of water consumption per month or portion thereof	$25.65 (minimum charge)
All water consumption in excess of 2,000 gallons	$1.368 per 100 gallons

(f) The rates in (e) above shall be increased by 5% on January 1, 2031 and on each January 1 thereafter.

(g) Customers receiving sewer services to locations outside of City limits will be charged double the prevailing minimum charge.

(h) Each customer 65 years and older, with verification of age, shall receive a senior citizen discount of three dollars and eighty-one cents ($3.81), which shall be deducted from the monthly sewer bill.

(i) Customers receiving sewer services that require grinder pumps permitted, operated and maintained by the City will be charged a flat monthly surcharge in the amount of $12.95 in addition to charges for sewer usage.

Section 2. (a) On or before June 30, 2029 and on or before June 30 of each fifth (5th) year thereafter, the City shall engage a duly qualified rate analyst not in the regular employ of the City (an "Analyst") to review the then current water and sewer rates and make recommendations as to whether any rate increases are necessary to produce revenues sufficient to pay debt service on outstanding bonds secured by System revenues ("System Bonds"), provide an adequate depreciation fund, pay the costs of operating and maintaining the System and meet any required bond covenants for the ensuing fiscal year.

(b) Beginning in 2026, the City, on or before June 30 of each year that an Analyst is not engaged pursuant to subsection (a) above, shall review the then current water and sewer rates to determine whether any rate increases are necessary to produce revenues sufficient to pay debt service on outstanding System Bonds, provide an adequate depreciation fund, pay the costs of operating and maintaining the System and meet any required bond covenants for the ensuing fiscal year.

Section 3. None of the sewer services afforded by the System shall be furnished without a charge being made therefore. Any multi-unit that has installed a master meter will pay the Minimum Charge on each unit plus usage shown on the master meter.

Section 4. (a) All customers of the System shall be charged a monthly fee (the "System Infrastructure Fee") to be used solely for the repayment of System Bonds. The System Infrastructure Fee will be paid by all customers regardless of the amount of water used or wastewater discharged. All revenues derived from the System Infrastructure Fee shall be used solely for payment of debt service (principal, interest, and trustee fees and expenses) of System Bonds.

(b) The monthly System Infrastructure Fee for each mobile home, with or without a separate water meter, shall be as set forth in subsection (i) below.

(c) The monthly System Infrastructure Fee for each apartment, residential dwelling unit, with or without a separate water meter, shall be as set forth in subsection (i) below.

(d) The monthly System Infrastructure Fee for each new residential dwelling unit of any type, with or without a separate water meter, shall be as set forth in subsection (i) below.

(e) The monthly System Infrastructure Fee for each health care facility shall be based on meter size as set forth in subsection (j) below.

(f) The monthly System Infrastructure Fee for each State funded facility shall be based on meter size as set forth in subsection (j) below.

(g) The monthly System Infrastructure Fee for commercial establishments ("Commercial Establishments") shall be based on meter size as set forth in subsection (j) below. Any additional unit without a separate water meter ("Additional Unit") shall be an amount set forth in subsection (i) below.

(h) The monthly System Infrastructure Fee for all other customers will be based on meter size as set forth in subsection (j) below.

(i) The System Infrastructure Fee for customers in subsections (b), (c), (d) and (g) with respect to Additional Units shall be as follows:

(1) January 1, 2026 – December 31, 2026: $10.00
(2) January 1, 2027 – December 31, 2027: $10.50
(3) January 1, 2028 – December 31, 2028: $11.03
(4) January 1, 2029 – December 31, 2029: $11.58
(5) January 1, 2030 – December 31, 2030: $12.16
(6) On and after January 1, 2031: 5% annual increase

(j) The System Infrastructure Fee for customers in subsections (e), (f), (g) with respect to Commercial Establishments and (h) shall be based on meter size as follows:

January 1, 2026 – December 31, 2026

Meter Size	System Infrastructure Fee
5/8" and 3/4"	$ 10.00
1"	55.13
1 1/2"	110.25
2"	176.40
3"	352.80
4"	556.76
6" and 8"	1,113.53

January 1, 2027 – December 31, 2027

Meter Size	System Infrastructure Fee
5/8" and 3/4"	$ 10.50
1"	57.88
1 1/2"	115.76
2"	185.22
3"	370.44
4"	584.60
6" and 8"	1,169.20

January 1, 2028 – December 31, 2028

Meter Size	System Infrastructure Fee
5/8" and 3/4"	$ 11.03
1"	60.78
1 1/2"	121.55

2"	194.48
3"	388.96
4"	613.83
6" and 8"	1,227.66

January 1, 2029– December 31, 2029

Meter Size	System Infrastructure Fee
5/8" and 3/4"	$ 11.58
1"	63.81
1 1/2"	127.63
2"	204.21
3"	408.41
4"	644.52
6" and 8"	1,289.04

January 1, 2030 – December 31, 2030

Meter Size	System Infrastructure Fee
5/8" and 3/4"	$ 12.16
1"	67.00
1 1/2"	134.01
2"	214.42
3"	428.83
4"	676.75
6" and 8"	1,353.50

On and after January 1, 2031

5% annual increase

Section 5. The provisions of this Ordinance are separable and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 6. All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: _____, 2025.

APPROVED:

_____
Mayor

ATTEST:

_____

City Clerk

(SEAL)

CERTIFICATE

The undersigned, City Clerk of the City of Bryant, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. _____, adopted at a regular session of the City Council of the City of Bryant, Arkansas, held at the regular meeting place in said City at 6:30 o'clock p.m., on the _____ day of _____, 2025, and that the Ordinance is of record in Ordinance Record Book No. _____, Page _____, now in my possession.

GIVEN under my hand and seal on this _____ day of _____, 2025.

_____

City Clerk

(SEAL)

AGENDA ITEM HISTORY SHEET

ITEM TITLE	AGENDA NO. 11
Resolution 2025-40 Comprehensive Growth Plan Contract	AGENDA DATE: 9/30/25

FUNDING CERTIFICATION (Finance Director) (Signature, if applicable)

MANAGEMENT STAFF REVIEW (Signature)

MAYOR (Signature)

ITEM HISTORY (Previous Council reviews, action related to this item, and other pertinent history)

The last Comprehensive Growth Plan was completed in 2012. In early 2025, the Planning & Development Department issued an RFQ, and an evaluation committee narrowed submissions to two finalists. After presentations to the Planning Commission in June, Crafton Tull was selected as the consultant.

ITEM COMMENTARY (Background discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

The Comprehensive Growth Plan will provide an updated framework for land use to guide the City for the next 25 years. Crafton Tull has met with staff to establish a plan that emphasizes community input, ensuring that residents, businesses, and stakeholders are engaged throughout the process.

Staff recommends that City Council accept the proposal from Crafton Tull and authorize moving forward with Phase 1 ($290,500) and Phase 2 ($211,000) of the project. This initiative is a critical step in shaping the City's future while fulfilling the mission of "Building Today for a Better Tomorrow".

(This section to be completed by the Mayor)

ACTION PROPOSED (Motion for Consideration)

Motion to approve contract and scope of work.

Bryant Comprehensive Plan Scope of Services

Phase 1: Understand & Align ($290,500)

1.1 Project Initialization Meeting

The consultant team will meet with City staff to discuss the project scope, schedule, protocol for regular project management meetings, deliverables, communication and management protocols, and project expectations.

Potential steering committee members will be identified. These may include (but are not limited to) the following:

- Mayor's office
- Planning Department
- City Council representative
- Planning & Zoning Commission representative
- Chamber of Commerce
- City Staff
- Neighborhood Representatives
- Select local business leaders

The same list may be utilized to select ideal stakeholders for interviews (see Task 1.4 below).

1.2 Kickoff Meetings and Tour

1.2.1 Steering Committee Meeting 1 (Crafton Tull and DPZ)

The consultant team will conduct a steering committee meeting where members will be introduced to the project. The meeting will examine base data pertaining to existing conditions in Bryant and share feedback on strengths, weaknesses, opportunities, and threats facing the city. The proposed engagement strategy for the project will be shared for feedback and steering committee direction.

1.2.2 Tour of Bryant (Crafton Tull and DPZ)

The consultant team will coordinate with City staff and officials on a tour of Bryant focused on current conditions and upcoming construction and transportation projects. Additional information will be collected and assimilated.

1.3 Phase 1 Project Management Meetings

The consultant team will conduct regularly scheduled project meetings with City staff throughout the project.

1.4 Data Collection & Review *(Crafton Tull and DPZ)*

The consultant team will gather existing plans, studies, and initiatives that have been completed within the community which have an impact on current planning issues, as

well as recently approved development plans that have not been integrated into a digital platform and all City GIS files. Gaps in existing data and sources will be identified and an index and summary of applicable plans, studies and initiatives will be created as part of this process.

1.5 Stakeholder Interviews *(Crafton Tull and DPZ)*

The consultant team will interview up to 24 individual stakeholders or groups who are invested in the wellbeing and continued growth of Bryant. The stakeholder list will be developed with assistance from the City and steering committee. This may include but is not limited to major employers, elected officials, city staff, educators, retailers, small business owners, healthcare providers, and public services. The client will be responsible for scheduling and outreach coordination with community stakeholders.

1.6 Community Assessments

The consultant team will assess data related to each sector identified below.

1.6.1 Demographic Analysis (LandUseUSA Lead)

The consultant will analyze and forecast population, per capita income, total personal income, and expenditure potential (sales per capita) by industry sector. Estimates will be provided for the year 2025, with forecasts for the years 2030, 2035, and 2040. We also anticipate providing at least two alternative growth scenarios based on what we learn during the early stages of work and input from the stakeholder engagement process. This will help identify changing needs for housing, shopping, public services, and related infrastructure.

1.6.2 Economic Trends (LandUse USA Lead)

The consultant team will complete the following analyses:

- Economic Analysis: The consultant will conduct a study of labor force participation and unemployment rates over time, major employers, educational attainment, and employment by industry sector. Results will be used to identify industry sectors that represent the best economic growth opportunities for the City.
- Commercial and Residential Real Estate Analysis: This analysis will study the asking price a) per acre for vacant; b) for-sale and for-lease prices among available residential units; and c) rent per square foot among available for-lease commercial space. Charts and graphs will be used to demonstrate the relationship between price per acre and available acreage (and price per square foot compared to available square feet). Results will be used to gauge the need and market potential for growth under future growth scenarios.

- Housing Study: This analysis will study market supply and demand, gaps, and opportunities for new housing units. Results will be detailed by tenure (owner and renter), price (value and rent), target market (lifestyle cluster), and housing type. The work will include a specialized demographic analysis to compare demand (households by tenure and income) and supply (existing housing units by value, rent, vacancy, building size, and age of housing stock). The study will focus on household members who are actually migrating into the City, their preferences by tenure (owner and renter) and housing type, and their tolerances for home values and rents. Again, results will be used to gauge the market potential under future growth scenarios.

1.6.3 Development Pattern Trends (DPZ Lead)

The consultant team will review recent construction activity, residential, commercial, and industrial growth types and patterns, contributing to a SWOT analysis for future growth and analysis of physical development types for physical and fiscal analysis.

1.6.4 Existing Land Use (DPZ Lead)

The consultant team will identify the existing land uses in the community, including an existing land use map, and conduct land use-based analyses to identify areas of stability, areas of recent and planned growth, and compare current zoning with existing land uses.

1.6.5 Fiscal Land Use Analysis (Urban3 Lead)

The consultant team will obtain property and sales tax records and city budget data, and map the revenues and general expenditures on a per-parcel basis, producing a net benefit map for the entire city. This data will also be aggregated in an analysis of land use type performance for use in future land use decision making.

1.6.6 Regulations & Code (DPZ Lead)

The consultant team will research and obtain extensive knowledge of the City's zoning and land development regulations. Conflicts between existing regulations, development patterns, and housing and commercial demand will be identified, as well as barriers to growth of various types and common development obstacles. The consultant team will assess what is working and what is not working effectively within existing codes.

1.6.7 Housing (DPZ Lead)

The consultant team will document existing housing types, lot types, and their amount and distribution. Housing characteristics, including predominant architectural styles and types (single-family, townhouses, duplexes, apartments, etc.), will be identified, quantified, and mapped where appropriate.

1.6.8 Transportation & Traffic Circulation (Crafton Tull Lead)

Working within the context of the existing Transportation Plan and Bike/Pedestrian Plan, the consultant team will identify and review transportation planning items related to destinations within the community and pass through traffic, including functional classification of streets, street design typologies, bicycle facilities and trail routes, pedestrian connections and safe routes to schools, and pedestrian access and safety.

1.6.9 Natural Resources & Environment (Crafton Tull Lead)

The consultant team will review existing plans and documents related to the natural environment. Natural resources, environmental typologies and their respective locations will be identified, as well as opportunities and constraints related to topography and environmental conditions.

1.6.10 Infrastructure, Public Facilities, and Services (Crafton Tull Lead)

The consult team will assess existing plans from utility providers, City infrastructure and maintenance plans (such as the Water/Wastewater Master Plan), and assess notable existing infrastructure conditions.

1.6.11 Parks & Recreation (Crafton Tull Lead)

Working within the context of the existing Parks Master Plan and input from the client, the consultant team will review existing community facilities, parks, and open space for functionality, use, condition, quantity, and distribution/placement.

1.7 Branding and Logo Development *(Crafton Tull Lead)*

The Crafton Tull team will work with the City of Bryant to develop a logo for the Comprehensive Plan to accompany the City's tagline for the project. Three alternatives will be presented for consideration.

1.8 Website / Dashboard Creation and Management *(Crafton Tull Lead)*

The Crafton Tull team will create and manage a project website / dashboard to be utilized throughout the lifespan of the project to disseminate project-related information and collect feedback.

Phase 1 Deliverables: Technical Assessments documentation, summaries, and graphics, index and summary of applicable plans, studies and initiatives, meeting communications and notes, project logo, and project website/dashboard.

Phase 2: Engage & Illustrate ($211,000)

2.1 Phase 2 Project Management Meetings

The consultant team will conduct regularly scheduled project management meetings with City staff throughout Task 2 as well as the lifetime of the project.

2.2 Community Survey 1 *(Crafton Tull Lead)*

The consultant team will work with City staff to develop an online community survey to assess citizen priorities, preferences, and concerns. Key questions will be derived from interviews and assessments conducted in Task 1. In order to reach a broad number of citizens, a digital platform will be developed in partnership with the client. A paper copy of select engagement materials will be made available, with paper responses to be input in the online version by the client.

2.3 Steering Committee Meeting 2 *(Crafton Tull and DPZ)*

The second steering committee meeting will include a review of the assessments conducted in Task 1. The steering committee will be led through vision statement and scenario ideation. The consultant team will utilize brainstorming and consensus exercises in addition to visualization tools.

2.4 Vision Statement *(Crafton Tull and DPZ)*

Based on information and insights gained from Task 1 assessments and interviews, the consultant team will draft a community vision statement to guide the direction of the comprehensive plan. Growth goals will also be drafted to accompany the vision statement. The vision statement and growth goals will be vetted during the multi-day charrette in Task 2.7.

2.5 Preliminary Growth Scenarios *(DPZ Lead with Crafton Tull)*

Scenario maps and visualizations will be drafted for client and steering committee review. Data accompanying scenarios and fiscal implications of each (based upon the Task 1.6.5 analysis of land use performance) will also be developed and visualized for the purpose of presentation at the community charrette on a series of storyboards to demonstrate existing conditions and future growth scenarios.

2.6 Feasibility Analysis

The team will develop prototypical revenue and costs for development typologies to be utilized in analyzing growth scenarios before and during the charrette. This information will be based on outcomes of Task 1.6.5.

2.7 Multi-day Charrette

Completed analyses and documentation, including preliminary growth scenarios and the constraint analysis will be brought to a multi-day charrette in Bryant. Storyboards, maps, and visualized data will be presented at two (2) public meetings. Open House hours will be available midweek to encourage citizen review and feedback and topic-specific discussions will be organized to address more detailed subject areas.

2.7.1 Public Meetings 1 & 2 (Crafton Tull and DPZ)

The consultant team will conduct two (2) public meetings during the charrette to gather public input and feedback on charrette concepts. The first meeting will present assessments and preliminary growth scenarios and gather additional input on vision, goals, and future growth, and the second will present more detailed plan concepts and outcomes from meetings and discussions for feedback.

The public meetings will include exercises to inform a preferred growth strategy to solicit attendee participation. Data gathered from input from Public Meetings will be assimilated and documented.

2.7.2 Roundtable Discussions (Crafton Tull and DPZ)

Conduct a series of topic-related roundtables to discuss specific issues impacting Bryant. These topics will be identified by collaboration between the City and the Consultant prior to the charrette.

2.7.3 Visualization Development (Crafton Tull and DPZ)

Throughout the multi-day charrette, the consultant team will be analyzing input gathered from public, roundtable, and technical meetings to produce visualization of potential comprehensive plan outcomes.

2.7.4 Real-time Preferred Growth Strategy Creation (Crafton Tull and DPZ)

Participants at public, roundtable, and technical meetings will contribute to real-time preferred growth strategy creation for the comprehensive plan. Information gathered throughout the multi-day charrette will be incorporated and reflected back for review and comment, culminating in growth strategies created by residents and stakeholders and guided by the consultant team.

2.7.5 Fiscal Growth Analysis (DPZ, Urban 3, Crafton Tull)

The development of the preferred Growth Strategy identified in Task 2.7.4 will be accompanied by fiscal analysis for the growth enabled by the proposed growth scenario. This analysis will be customized based on the initial findings of the Economic Analysis, Real Estate Analysis, and Housing Study, estimating future property and sales tax revenue as well as service and maintenance costs for city services and infrastructure, estimating the economic impact of proposed growth.

2.7.6 Steering Committee Meeting 3 (Crafton Tull and DPZ)

The consultant team will conduct Steering Committee Meeting 3 during the charrette to gather feedback on charrette concepts and outcomes and provide a forum for feedback..

2.8 Charrette Summary *(Team)*

A detailed summary of participant input will be documented by the consultant team and shared with the client, as well as a refined vision statement and growth goals based on charrette input. Detailed draft growth plan, land use plan, and feasibility strategies will be created for the purpose of testing with the public via Community Survey 2 (see Task 2.9) and Steering Committee Meeting 4 (see Task 2.10).

2.9 Community Survey 2 *(Crafton Tull Lead)*

The second community survey will test draft strategies developed from the various forms of input gathered from the multi-day charette and its outcomes.

2.10 Steering Committee Meeting 4 *(Crafton Tull and DPZ)*

The outcomes from the multi-day charrette will be presented to the steering committee for review. Insights, takeaways, and further project direction will be documented. This meeting will establish direction for development of the draft comprehensive plan in the following phase.

2.11 Meeting-in-a-Box Development *(Crafton Tull and DPZ)*

The Crafton Tull team will create materials for two types of meetings (visioning and community strategies) suitable for hosting by the client at pop-up events and community gatherings. Materials may include digital graphics for displaying as boards or handouts, digital presentations, feedback forms, and suggested formats.

Phase 2 Deliverables: Charrette materials, presentations, and outcomes summary, draft and final vision statements and growth goals, meeting summaries, constraint analysis, preferred growth strategies, fiscal analysis planning analyses, and Meeting-in-a-Box materials.

Phase 3: Strategize & Deliver ($79,000)

3.1 Draft Plan Components Documentation *(Crafton Tull and DPZ)*

A draft comprehensive growth plan document (including the Land Use Plan and Fiscal Analysis) along with visual data such as presentations, maps, and technical data will be documented.

3.2 Draft Implementation Plan *(Crafton Tull and DPZ)*

The consultant team will develop an implementation matrix complete with timelines and responsible parties for implementation across various plan components. Strategies will be documented to include priority, time horizon, and responsible parties to provide direction for plan implementation.

3.3 Steering Committee Meeting 5 *(Crafton Tull and DPZ)*

The consultant team will present the draft comprehensive plan to the steering committee for review and refinement.

3.4 Public Meeting 3 *(Crafton Tull and DPZ)*

Based on input from Task 3.3, the consultant team will present the draft comprehensive plan for public review and comment. The consultant team will identify interest in various plan components to assist with plan implementation and building consensus and enthusiasm for the community's future.

3.5 Final Draft Review *(Crafton Tull and DPZ)*

Following the public comment period and input from the client, the final draft will be distributed to the steering committee for final review. The client will provide one set of steering committee markups to be incorporated into the final report.

3.6 Adoption *(Crafton Tull and DPZ)*

The consultant team will present the final comprehensive plan and project outcomes to planning commissioners. Following planning commission approval, the team will present the final plan overview and project outcomes to the City Council for adoption.

Deliverables: Final hard copy and digital report document, project-related GIS database with analyses and shapefiles

Additional Services (not included)

Phase 4: Land Development Code Update

4.1 Development Regulations *(DPZ Lead)*

Form-Based Code Development

Design and draft a form-based code that is customized for the needs and character of Bryant, integrated into the comprehensive plan structure, streamlined, and built upon up-to-date coding standards.

4.2 Steering Committee Meetings 6 & 7 *(DPZ Lead)*

Meet with the steering committee during code development to discuss existing issues, review code proposals and options, and to ensure the code suits the needs and character of Bryant.

4.3 Code Workshop *(DPZ Lead)*

Host a code workshop with City staff to familiarize staff with the revised code documents overall and through simplified sample submittals.

4.4 Final Code Development *(DPZ Lead)*

Produce a final code document with text and graphic revisions based on steering committee and staff comments.

4.5 Adoption Process *(DPZ Lead)*

Support the City through the adoption process as needed with presentations, clarifications, and revisions.

Project Totals

Phase 1: Understand & Align	$ 290,500
Phase 2: Engage & Illustrate	$ 211,000
Phase 3: Strategize & Deliver	$ 79,000
Phase 4: Code Update	Additional Services
Expenses	$ 51,500
TOTAL	$ 632,000

ORDINANCE NUMBER 2025 - ___

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BRYANT TO THE BRYANT ZONING CODE.

WHEREAS, the City of Bryant established the Bryant Zoning Regulations under Ordinance 99-16 dated September 27,1999; and

WHEREAS, the Bryant Planning Commission has prepared new regulations to implement the needed changes to the Zoning Regulations; and

WHEREAS, the Planning Commission of the City of Bryant, Arkansas conducted a duly advertised public hearing concerning the proposed regulations, subsequent to which they credited the proposed regulations to the City Council for its adoption.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS:

Section 1. Adoption

The City of Bryant does hereby adopt the attached sections of the Zoning Regulations of the City of Bryant shall be amended by reference as a technical code amendment pursuant to A.C.A. 14-55-207.

Section 2. Codification

The City of Bryant City Council does hereby direct the Planning and Development Director to codify and organize these adopted sections with the Zoning Code in a proper manner.

Section 3. General Repealer

All laws, ordinances, resolutions, or parts of the same, which are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency or conflict.

Section 4. Severability

Should any title, section, paragraph, item, sentence, clause, or phrase of this Ordinance be declared or adjudged invalid or unlawful by a court of competent jurisdiction, such declaration or adjudication shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared or adjudged or unconstitutional was not originally a part of the Ordinance.

PASSED AND APPROVED this _____ day of_____, 2025.

Approved:

_____
Mayor Chris Treat

Attest:

_____
Mark Smith, City Clerk

Section 10.14: Utility-Scale Solar Arrays

A. Purpose

1. The purpose of these regulations are as follows:
    a) To ensure that utility-scale solar energy systems (USESs) are installed in a manner that preserves the public health, safety, and welfare of the community.

B. Definitions

- Utility-Scale Solar Energy System (USES): A solar power generation system designed primarily to supply power to off-site users or the utility grid, typically generating more than 1 megawatt (MW) of electricity.
- Accessory Solar Energy System: A solar array designed to serve on-site electrical needs.
- Glare: Light reflection that may cause visual discomfort or safety concerns, particularly for motorists or nearby property owners.

C. Application Requirements and Review Process

1. A conditional use permit and an approved site development plan are required for the construction of a utility-scale solar energy system.
2. Utility-Scale Solar Energy Systems are permitted by Conditional Use Permit (CUP) in the following Zoning districts:
    a) Industrial/Mining
    b) Other districts as determined by the Planning Commission and approved by the City Council.
3. All applications for a USES shall include:
    a) Site development plan showing panel layout, fencing, setbacks, access roads
    b) Electrical diagram, including grid interconnection points
    c) Glare analysis for nearby residences and public roads
    d) Landscaping and screening plan
    e) Erosion and stormwater control plan (if disturbing >1 acre)

f) Decommissioning plan (see Section 10.14.E)
g) Proof of liability insurance

D. Development Standards

1. Lot Dimensions
    a) Lot Size: 5 Acres Min. – 10 Acres Max.

2. Setbacks
    a) Front, Side, and Rear – 100 Ft.
    b) Street ROW – 100 Ft.
    c) Must maintain a 300ft setback from any offsite residential structures.

3. Height
    a) 12 Ft Max. (Measured from grade to top of panel at maximum tilt.)

4. Fencing
    a) When abutting another Industrial / Mining (I/M) or commercial zoned property: Minimum 6-foot chain link or security fencing required around perimeter.
    b) When abutting a residential district, a minimum 6' high wood, rock or masonry fence is required with a landscape screen to buffer the solar arrays from the residential district. See the Bryant Landscape Regulation for specific landscape treatment.
    c) A bond for the maintenance of the fencing and landscape buffer is required.

5. Screening & Landscaping
    a) Evergreen vegetative buffers (average spacing of 6ft OC) shall be placed along property lines abutting residentially zoned property or public right-of-way.
    b) Landscaping must be maintained and replaced as needed for the life of the project.

6. Glare, Noise, & Lighting
    a) Systems must be sited and designed to prevent glare onto neighboring homes, public rights-of-way, or aviation paths.
    b) USESs must not exceed 50 dBA at property boundaries.

c) Night lighting must be fully shielded and motion-activated for safety.

7. Access & Maintenance
    a) All arrays must have locked, gated access with visible contact signage. Gate must have Knox Box or Knox Lock for Access by emergency services.
    b) Maintenance and inspection logs must be available to city inspectors upon request.

E. Decommissioning
    1. A decommissioning plan must be submitted and approved before construction can begin on a USES. The plan must include the following:
        a) Removal of all solar equipment and support structures
        b) Restoration of topsoil and vegetation
        c) Timeframe for decommissioning (<12 months from cessation of operations)

    2. A financial surety (bond, escrow, or letter of credit) shall be required and reviewed every 5 years.

F. Permit Duration and Renewal
    - CUPs shall be valid for 25 years, with an option for renewal upon application to the Planning Commission.

G. Enforcement and Revocation
    - Failure to maintain the site or comply with permit conditions may result in revocation of CUP and enforcement under the City Code.

AGENDA ITEM HISTORY SHEET

ITEM TITLE
Tarver Midland Property

AGENDA NO. 12

AGENDA DATE: 9/30/25

FUNDING CERTIFICATION (Finance Director) (Signature, if applicable)

MANAGEMENT STAFF REVIEW (Signature)

MAYOR (Signature)

ITEM HISTORY (Previous Council reviews, action related to this item, and other pertinent history)

The City's current Floodplain Manager does not have the authority to waive or grant exceptions to existing floodplain regulations, and property owner will require an appeal.

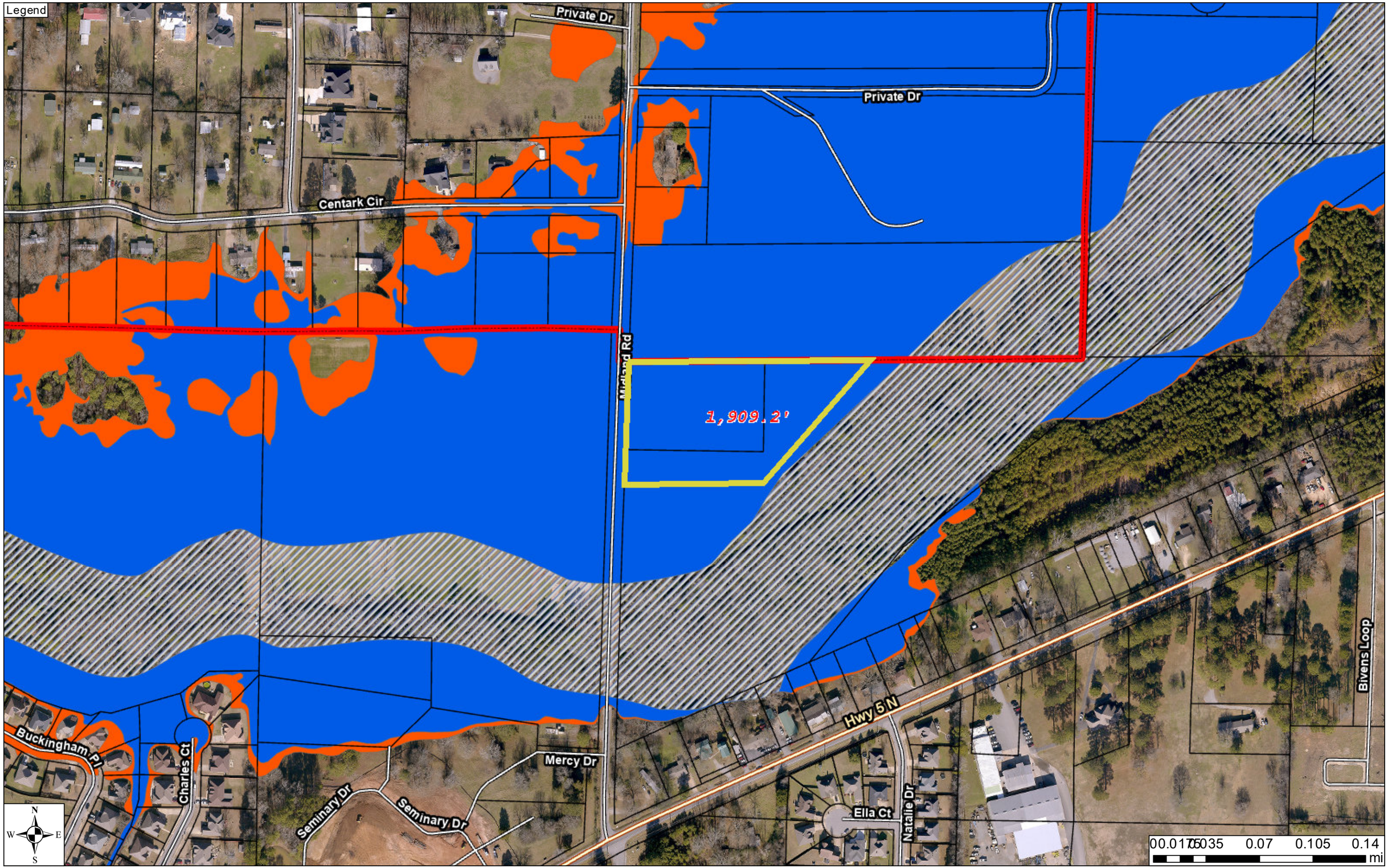
ITEM COMMENTARY (Background discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

The Tarver's are requesting an appeal waiver through City Council to allow construction of a residence near Midland Park, which is located in the 100-year floodplain. Eric Richardson with Richardson Engineering will provide additional details.

(This section to be completed by the Mayor)

ACTION PROPOSED (Motion for Consideration)

Motion to approve variance.


Legend
Private Dr
Private Dr
Centark Cir
Midland Rd
1,909.2'
Buckingham Pl
Charles Ct
Seminary Dr
Seminary Dr
Mercy Dr
Hwy 5 N
Ella Ct
Natalie Dr
Bivens Loop
N
W
E
S
0 0.0175 0.035 0.07 0.105 0.14
mi


Legend
Private Dr
Private Dr
Centark Cir
Midland Rd
1,909.2'
Buckingham Pl
Charles Ct
Seminary Dr
Seminary Dr
Mercy Dr
Hwy 5 N
Ella Ct
Natalie Dr
Bivens Loop
N
W
E
S
0 0.0175 0.035 0.07 0.105 0.14
mi

LEGEND

- SET 1/2" REBAR W/ CAP
- FOUND MONUMENT
- R/W — RIGHT-OF-WAY
- OHE — OVERHEAD UTILITIES
- x — FENCE
- ROADWAY CENTERLINE
- GUY WIRE
- POWER/LIGHT POLE
- (M) MEASURED
- (P) PER PLAT
- (D) PER DEED
- BUILDING SETBACK LINE
- UTILITY EASEMENT
- WV — WATER VALVE
- FIRE HYDRANT
- W — WATER METER
- T — TELEPHONE PEDESTAL
- LIGHT POLE

REGISTERED STATE OF ARKANSAS NO. 1853 Zane Robbins SIGNATURE 09/07/2025 ZANE ROBBINS PROFESSIONAL LAND SURVEYOR

CERTIFICATE OF AUTHORIZATION ROBBINS PROFESSIONAL LAND SERVICES #4151 ARKANSAS - SURVEYOR

GENERAL NOTES

1. BASIS OF BEARING FOR THIS SURVEY IS ARKANSAS GRID SOUTH. DISTANCES SHOWN ARE GROUND DISTANCES.
2. REFERENCES:
   A. SURVEY BY GARNAT ENGINEERING FOR MIKE LAKE AND JIM HASTINGS DATED DEC. 23, 2021
   B. THIS PROPERTY IS ZONED R-1.

FOR THE USE & BENEFIT OF
TYLER AND AMANDA TARVER

PROPERTY ADDRESS
MIDLAND ROAD
BRYANT, AR 72022

0 25' 50' 100'
SCALE: 1" = 50'

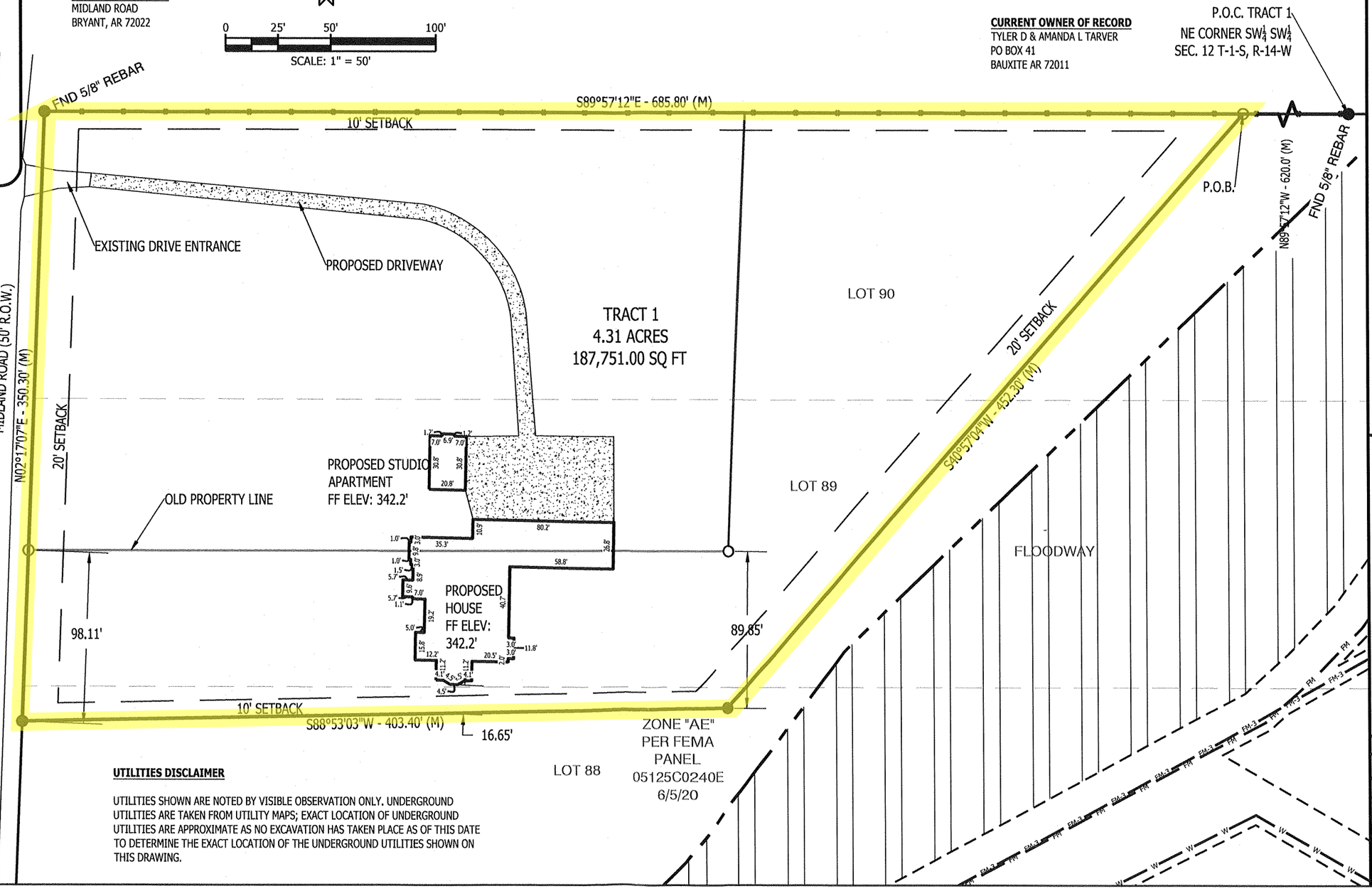
TRACT 1 AS SURVEYED:
PART OF LOT 88, 89 AND LOT 90, MIDLAND FARMS SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4 SW1/4) OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 14 WEST, SALINE COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND 5/8" REBAR FOR THE NORTHEAST CORNER OF THE SAID SW1/4 SW1/4; THENCE N89°57'12"W - 620.00 FEET ALONG THE NORTH LINE THEREOF TO A 1/2" REBAR WITH CAP #1573 FOR THE POINT OF BEGINNING; THENCE LEAVING SAID NORTH LINE S40°57'04"W - 452.30 FEET TO A SET 1/2" REBAR WITH CAP #1853; THENCE S88°53'10"W - 403.40 FEET TO A SET 1/2" REBAR WITH CAP #1853 LOCATED ON THE EXISTING EAST RIGHT OF WAY OF MIDLAND ROAD; THENCE N2°17'07"E - 350.30 FEET, ALONG SAID RIGHT OF WAY, TO A FOUND 5/8" REBAR ON THE NORTH LINE OF SAID SW1/4 SW1/4; THENCE S89°57'12"E - 685.801 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING, CONTAINING 4.31 ACRES, MORE OR LESS.

CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION ON THIS DAY AND THAT ALL CORNERS ARE SET AS SHOWN. NO INDEPENDENT SEARCH FOR EASEMENTS, COVENANTS, ENCUMBRANCES, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE WAS PERFORMED.

Zane Robbins
ZANE ROBBINS, AR PLS #1853

CURRENT OWNER OF RECORD
TYLER D & AMANDA L TARVER
PO BOX 41
BAUXITE AR 72011



FLOOD STATEMENT

BY GRAPHIC PLOTTING ALONE, ACCORDING TO FEMA FIRM #05125C0240E, DATED JUNE 5, 2020, THIS PROPERTY LIES IN ZONE "AE"

UTILITIES DISCLAIMER

UTILITIES SHOWN ARE NOTED BY VISIBLE OBSERVATION ONLY. UNDERGROUND UTILITIES ARE TAKEN FROM UTILITY MAPS; EXACT LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AS NO EXCAVATION HAS TAKEN PLACE AS OF THIS DATE TO DETERMINE THE EXACT LOCATION OF THE UNDERGROUND UTILITIES SHOWN ON THIS DRAWING.

DATE	REVISIONS

MIDLAND ROAD
SALINE COUNTY
BRYANT, ARKANSAS
BOUNDARY SURVEY/PRELIMINARY PLOT PLAN
PART OF LOTS 88, 89 & 90
MIDLAND FARMS SUBDIVISION

ROBBINS PROFESSIONAL LAND SERVICES
INCORPORATED
SURVEYING | GIS | CONSTRUCTION STAKING
P.O. BOX 939 | BRYANT, ARKANSAS 72089
OFFICE: 501.425.6300 | EMAIL: ZANEROBBINS3626@GMAIL.COM

DRAWN BY	ZR
CHECKED BY	ZR
DATE	09/07/2025
SCALE	1"=50'
PROJECT No.	2025725
PAGE	1 of 1

Y:\2025\2025725 AMANDA TARVER MIDLAND\2025725.dwg | PLOTTED BY: Ray | PLOT DATE: 9/12/2025 3:26:16 PM | ©2018 ROBBINS PROFESSIONAL LAND SERVICES INCORPORATED

ORDINANCE NO. 2020 - 04

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A FLOOD DAMAGE PREVENTION PROGRAM FOR BRYANT, ARKANSAS AND FOR OTHER PURPOSES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS, THAT:

SECTION 1. STATUTORY AUTHORITY

The Legislature of the State of Arkansas has in Ark. Code Ann. § 14-268-101 et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the City Council of the City of Bryant, Arkansas, does hereby ordain as follows:

SECTION 2. FINDINGS OF FACT

A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of the City of Bryant in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Saline County Arkansas and unincorporated areas," dated June 5th,2020, with an effective Flood Insurance Rate Map (FIRM) dated June 5th, 2020.

B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately floodproofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events.

SECTION 3. STATEMENT OF PURPOSE

The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas. This ordinance advances the stated purpose through provisions designed to:

A. Protect human life and health;

B. Protect natural floodplains against unwise development;

C. Eliminate adverse impacts of necessary floodplain development;

D. Minimize expenditure of public monies on flood control projects;

E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

F. Minimize prolonged business interruptions due to flooding events;

G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas;

H. Minimize future flood blight areas to help maintain a stable tax base; and

I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area.

SECTION 4. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the City of Bryant

SECTION 5. METHODS OF REDUCING FLOOD LOSSES

This ordinance uses the following methods to accomplish the stated purpose:

A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events;

B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;

C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;

D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;

E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands.

SECTION 6. FLOOD DAMAGE PREVENTION CODE ADOPTED BY REFERENCE.

There is hereby adopted by reference a **"Flood Damage Prevention Code for the City of Bryant, Arkansas, dated June 5th, 2020"** the code shall include:

ARTICLE 1 DEFINITIONS
ARTICLE 2 ADMINISTRATION
ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code shall be filed in the office of the Code Enforcement Director and shall be available for inspection and copying by any person during normal office hours.

SECTION 7. ABROGATION AND GREATER RESTRICTIONS

This ordinance 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.

SECTION 8. INTERPRETATION

In the interpretation and application of this ordinance, all provisions must:

A. Be considered as minimum requirements;

B. Be liberally construed in favor of the governing body; and

C. Be deemed to neither limit nor repeal any other powers granted under State statutes.

SECTION 9. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance.

SECTION 10. COMPLIANCE

Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations.

SECTION 11. PENALTY FOR NON-COMPLIANCE

Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to

A. Issue cease and desist orders on non-compliant floodplain development projects;

B. Issue citations for non-compliance;

C. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and

D. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.

(1) It is a misdemeanor to violate or fail to comply with any provision of this ordinance.

(2) Any person found, in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than $500 per day for each violation; in addition the defendant is subject to payment of all associated court costs and costs involved in the case.

SECTION 12. 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.

SECTION 13. EMERGENCY CLAUSE

It is hereby found and declared by The Bryant City Council 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.

Passed and Approved this 28th **day of** April **2020.**

Mayor

ATTEST:

City Clerk

ORDINANCE NO.: 2024 - 02

AN ORDINANCE TO AMEND SECTION 6 OF ORDINANCE No. 2020-04 AND ADOPTING FLOOD DAMAGE PREVENTION CODE DATED FEBRUARY 1, 2024 FOR OF THE CITY OF BRYANT, ARKANSAS; AND PRESCRIBING OTHER MATTERS RELATING THERETO

WHEREAS, the City of Bryant, Arkansas passed Ordinance No. 2020-04 which established a Flood Damage Prevention Program for Bryant, Arkansas; and

WHEREAS, Section 6 of Ordinance No. 2020-04 adopted by a "Flood Damage Prevention Code for the City of Bryant, Arkansas, dated June 5th, 2020"; and

WHEREAS, it is necessary for the City to amend the Flood Damage Prevention Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS, THAT:

Section 1: Amendment to Ordinance 2020-04 Section 6

Section 6 of Ordinance 2020-04 is hereby amended to adopt the "Flood Damage Prevention Code for the City of Bryant, February 1, 2024" attached hereto as Exhibit A.

Section 2: Provisions Severable

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of the Ordinance are hereby declared to be severable.

Section 3: Repealer

All ordinances and resolutions and parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4: Emergency Clause

It is hereby found and declared by the Bryant City Council 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 jurisdiction; Whereas this is an exceptional situation and an Emergency is Declared; and this Ordinance shall be effective from and after its date of passage.

PASSED AND APPROVED THIS 30th DAY OF JANUARY 2024, BY THE CITY COUNCIL OF BRYANT, ARKANSAS.

Rhonda Sanders, Mayor

Attest:

Mark Smith, City Clerk

CITY OF BRYANT, SALINE COUNTY OFFICIAL SEAL

FLOOD DAMAGE PREVENTION CODE FOR THE CITY OF BRYANT, FEBRUARY 1, 2024

ARTICLE 1 DEFINITIONS

Unless specifically defined below, words or phrases used in this Code have their common usage meaning to give the most reasonable application to this Code.

Additional definitions for floodplain management terms can be found at Part §59.1 of 44 CFR.

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

44 CFR § 65.12 — contains 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" is 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.

"500-year flood" is any flood with a 0.2% chance of occurring in any given year. As with the 100-year flood, this term is also misleading, because of its statistical derivation. A "500-year flood" may occur many times in any given 500-year period, or it may not occur at all in 500 years.

"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).

"Adverse impact" means any negative or harmful effect.

"AE or A 1-30 Risk Zones" are special flood hazard areas where detailed studies have determined base flood elevations. AE has replaced A 1-30 in newer flood maps.

"AH Risk 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 Risk 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).

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

"Appeal Board" means a person or persons specifically designated to render decisions on variance applications and floodplain management complaints.

"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" is the flood profile used as the basis for the NFIP regulations. The Federal government has selected the 1% chance flood as the base flood.

"Basement" is any enclosed area that is below grade 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.

"Certificates of Compliance" are formal documents issued by floodplain administrators certifying that completed projects comply with the requirements of the local Code.

"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.

"Clearing" is the act of cutting timber or shrubs from an area

"Commercial Business Park" is typically an area of offices or light industrial usage, although retail, service, or industrial usage is sometimes included in supporting roles. For example, a commercial business park of office complexes may also include restaurants, which service these offices.

"Concrete deadman anchors" are heavy steel rods embedded in buried sections of concrete, used to secure items in place under tension.

"Covenant" is a clause in a contract that requires one party to do, or refrain from doing, certain things. A covenant frequently appears as a restriction that a lender imposes on a borrower.

"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.

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

"Deed restriction" refers to a clause in a deed that limits the future uses of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions, for example, they may limit the density of buildings, dictate the types of structures that can be erected, prevent buildings from being used for specific purposes or even from being used at all.

"Development" means any man-made change to improved or unimproved real estate. It includes, but not limited to, construction, reconstruction, or placement of a building, or any addition or substantial improvements to a building. "Development" also includes the installation of a manufactured home on a site, preparing a site for a manufactured home, or installing/parking a travel trailer. 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" will normally not include maintenance of existing drainage ditches, gardening, plowing, planting, harvesting of crops, 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.

"Easements" are rights or permissions held by one person to make specific, limited use of land owned by another person.

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

"Erosion" is the process of soil removal by moving water.

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

"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 a community.

"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 (See definition of floodway below.)

"Flood Insurance Rate Map" (or "FIRM") refers to the official flood map of a community on which FEMA has categorized Special Flood Hazard Areas into risk premium zones. Flood maps

"Flood Insurance Study" (or "FIS") is the official report provided by FEMA. It contains flood profiles, floodway tables, engineering methods, and other descriptive and technical data.

"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.

"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 Code, floodplain refers to the land area susceptible to being inundated by the base flood.

"Floodplain Administrator" refers to the community official designated in the local Flood Damage Prevention Code as responsible for the Code's administration.

"Floodplain Development Permit" is a permit issued by the local Floodplain Administrator and is required before beginning any development in an area designated as a Special Flood Hazard Area on the community's FIRM.

"Flood proofing" is a combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate the risk of flood damage.

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

"Floodway" or "Regulatory Floodway" refers to a stream channel and the land to either side of the stream channel that must remain undeveloped and open in order to allow floodwaters to pass without increasing the base flood elevation more than a designated height. For the purposes of this Code, the height is one foot (l ft.). Severe restrictions or prohibitions are imposed on development within the floodway.

"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.

"Grade" means the surface of the ground.

"Grading" means to smooth the surface of the ground, typically with heavy construction equipment.

"Highest Adjacent Grade" (HAG) means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historical Structure" means any structure that is:

1. 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;
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 or historic places in communities with historic preservation programs that have been certified:
    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.

"Lacustrine Flooding" is flooding associated with a lake.

"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.

"Lowest floor" refers to the lowest floor of the lowest enclosed area (including Basement). For a typical slab-on-grade construction, the lowest floor is the top of the first floor of the structure. 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 first floor of the structure. For a typical split-level construction, the elevation of the lowest floor is the top of the first living area floor. For a manufactured home installation, the elevation of the lowest floor will be the bottom of the lowest I-Beam. The garage floor and crawlspaces are not the lowest floor as long as there are no living areas in the garage and it is used solely for storage, parking vehicle and entry to the structure, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance regulations.

"Manufacture Homes" or Structures 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 attached 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 subdivided into two or more manufactured home lots for rent or sale.

"Mean Sea Level" (MSL) means, for the purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's FIRM 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 date of a floodplain management regulation adopted by a community 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 a community.

"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.

"Piers" are columns of masonry or other structural material (commonly cement blocks stacked up to support a manufactured home), usually rectangular, used to support other structural members. For the purpose of this ordinance, piers must be permanent in nature.

"Pilings" are steel tubes driven to rock or a suitable soil-bearing layer and connected to the foundation of a structure.

"Ponding" is a flooding effect where floodwaters accumulate in shallow depressions and linger until absorbed or evaporated.

"Recreational vehicles" means a vehicle, which is:

1. built on a single chassis;
2. 400 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.

"Risk Zones" categorize special flood hazard areas into groupings by the specific risk of flooding. Zones A, AE or A 1-30, AO, and AH are Special Flood Hazard Areas. See "X Risk Zones" in this section.

"Riverine flooding" is flooding associated with a river or stream channel.

"R V" is the acronym for recreational vehicle.

"Screw augers" are any type of anchor that twists into the soil, typically to a depth of 4 feet or more. They are not suitable for securing manufactured homes against floodwaters because saturated grounds often soften and fail to hold the anchor in place.

"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.

"Shallow flooding" means a depth of less than 3 feet.

"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 maps as being at-risk for flooding. The maps further categorize these areas into various flood risk zones A, AE or Al-30, AH, and AO.

"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.

"Stream channels" are depressed natural pathways through which water of any quantity routinely flows.

"Structural development" is a development that includes the placement or construction of a structure.

"Structure" means for floodplain management purposes, 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" 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" is any reconstruction, remodeling, addition or improvement to a structure with a cost equaling or exceeding 50% of the market value of the structure before any improvement. Improvements to correct identified violations of local health, sanitary or safety Codes are not substantial improvements, regardless of the cost, as long as they are the minimum improvement necessary to bring the structure up to Code. Alterations to historical structures are also exempted, as long as the improvement does not affect the structure's official status of "historical structure."

"Uses vulnerable to floods" are simply any land or structural uses that may be negatively affected by a flood.

"Variance" is a formal, written permission from the Appeals Board to construct or develop in a way that is inconsistent with the requirements of this Code. The variance only deals with this Code — the Appeals Board has no authority to waive any other governmental requirement, and has no say in the cost of flood insurance.

"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 this Code is presumed to be in violation until such time as that documentation is provided.

"Watercourse alteration" refers to any change that occurs within the banks of a watercourse.

"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 Risk 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 ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Mayor of the City of Bryant or his/her designee, is hereby appointed the Floodplain Administrator.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

It is the duty and responsibility of the Floodplain Administrator or his designee to:

1. **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.

2. **Administer and implement the provisions of this Code** and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) as they pertain to floodplain management

3. **Review applications for Floodplain Development Permits** to:
    a. Evaluate proposed projects for reasonable safety from flooding;
    b. Evaluate proposed projects for conformance with No Adverse Impact principles;
    c. Ensure that all other permits necessary (including Section 404 Wetlands Permits as required by the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) for proposed projects are obtained from the appropriate government agency prior to issuing a Floodplain Development Permit; and
    d. Ensure that proposed projects conform to the applicable provisions of this Code.

4. **Approve or deny applications for Floodplain Development Permits** on the basis of:
    a. The proposed development's compliance or non-compliance with the provisions of this Code;
    b. The expected flood elevation, flood water velocity, flood duration, rate of rise and sediment transport of the floodwaters expected at the proposed development site;
    c. The proposed development's potential to adversely impact life and property by changing flooding patterns, changing erosion rates, or being swept onto other lands by flood waters;
    d. The proposed development's susceptibility to flood damage;
    e. The proposed development's compatibility with existing and planned community development;
    f. The proposed development's accessibility by ordinary and emergency vehicles during flooding events;
    g. The anticipated costs of providing governmental services to the proposed development during and after flooding events, including maintenance and repair of streets, bridges, facilities and public utilities such as sewer, gas, electrical and water systems;
    h. The proposed development's functionally dependent use;

i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed development; and
j. The relationship of the proposed use to the comprehensive plan for that area.

5. **Interpret the exact location of the boundaries of Special Flood Hazard Areas** whenever a mapped boundary appears to be different from actual field conditions. (The sole purpose of this interpretation is to determinate the applicability of the provisions of this Code to the proposed project.)

6. **Notify adjacent communities** and the State Coordinating Agency, which is the Arkansas Natural Resources Commission, a minimum of 60 days prior to any alteration or relocation of a watercourse, and submit evidence of all such notifications to FEMA.

7. **Ensure that the flood carrying capacity** within an altered or relocated portion of a watercourse is not diminished, and that the alteration or relocation does not adversely impact any other lands.

8. **Obtain, review and reasonably utilize,** whenever the current Flood Insurance Study or current Flood Insurance Rate Map does not provide base flood elevation data, any **base flood elevation data and floodway data** available from any Federal, State or other source. The Floodplain Administrator may obtain such data by requiring the applicant to submit it in conjunction with a Floodplain Development Permit application. (The sole use of this data is the administration of the provisions of this Code.)

9. **Inspect floodplain developments as necessary** to ensure construction is in accordance with the application data that formed the basis for the decision to issue the Floodplain Development Permit.

10. **Issue Certificates of Compliance.**

11. **Maintain all records and documents pertaining to this Code for public inspection**.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A **Floodplain Development Permit is required** for all structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations or any other development **in a Special Flood Hazard Area to ensure conformance with the provisions of this Code.**

SECTION D. PERMIT PROCEDURES

1. **Application** for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her 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.

2. The **documentation** required with each Application for a Floodplain Development Permit, and the specific provisions of this Code applicable to the proposed development, are dependent upon the type of development proposed and the Risk Zone of the proposed development site. Article 3, Section A contains standards for all developments in all Risk Zones. Article 3, Section B contains standards for specific development types in specific Risk Zones.

3. The decision of the Floodplain Administrator to **approve or deny** issuance of a Floodplain Development Permit is **subject to appeal** to the designated Appeal Board .Within the City of Bryant, Arkansas the designated Appeal Board is the City Council of Bryant

SECTION E. PROCEDURES FOR VARIANCE FROM THE REOUIRMENTS OF THIS CODE

1. Applicants must submit petitions for variances directly to the Appeal Board (Section F).

2. Variances may only be issued:
   a. if showing a good and sufficient cause;
   b. granting of the variance will not result in any adverse impact upon other lands;
   c. if granting of the variance will not result in any additional threats to public safety;
   d. if granting of the variance will not result in extraordinary public expense;
   e. if granting of the variance does not create a nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances;
   f. if granting of the variance will not result in increased flood heights or an increase in expected flood velocities;
   g. if the requested variance is the minimum necessary, considering the flood hazards, to afford the necessary relief; and
   h. Upon determination that the requested variance is necessary to avoid an extraordinary hardship to the applicant.

3. Variances in regulatory floodways will be granted on a case by case basis only and will be limited to the items listed in floodway section 2 A.

SECTION F. APPEAL BOARD

1. Within the City of Bryant, Arkansas the City Council is the designated Appeal Board.

2. The Appeal Board will consider an appeal only with allegations of an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Code.

3. Upon consideration of the factors noted in Article 2, Sections E and F, and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances, as it deems necessary to further the purpose and objectives of this ordinance.

4. Appeal Board decisions are binding only upon the requirements of this Code, and have no bearing on the decision of any lending institution to require the purchase of flood insurance or on the rate determination of such insurance.

5. Any time the Appeal Board issues a variance, it must provide the applicant with a formal written warning of an increased risk of flood damage due to removal of restrictions designed to lessen such risks. The notice must also warn of a corresponding increase in the cost of flood insurance, since the cost of such insurance will be commensurate with the increased risk.

6. Aggrieved parties may appeal any decision of the Appeal Board to a court of competent jurisdiction.

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

The following standards apply to all developments in Special Flood Hazard Areas, regardless of the type of proposed development or the Risk Zone of the proposed site.

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 **critical facilities** constructed or substantially improved in Special Flood Hazard Areas (SFHA) must be constructed or modified to **exceed 500-year flood protection** standards **or located outside the SFHA**.

5. **The placement or construction of all new structures must be in full compliance with the provisions of this Code**

6. For the purposes of this Code, all **mixed-use structures are subject to the more stringent requirements of residential structures.**

7. **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 Code. The existing structure, as well as any reconstruction, rehabilitation, addition, or other improvement, must meet the standards of new construction in this Code.

8. **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 Code.**

9. **All manufactured homes** to be placed within a Special Flood Hazard Area on a community's FIRM shall be **installed using methods and practices, which minimize flood damage**. For the purposes of this requirement, 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 requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Screw augers or expanding anchors will not satisfy the requirement of this provision.
10. The design or location of **electrical, heating, ventilation, plumbing, and air conditioning equipment for new structures**, or for any improvements to an existing structure, must prevent water from entering or accumulating within the components during base flood events.

11. The design of **all new and replacement water supply** systems must minimize or eliminate infiltration of floodwaters into the system during base flood events.

12. The design of **all new and replacement sanitary sewage** systems must minimize or eliminate infiltration of floodwaters into the system during flooding events, and must prevent sewage discharge from the systems into floodwaters.

13. The placement of **on-site waste disposal systems** must avoid impairment to, or contamination from, the disposal system during base flood events.

14. **Construction of basement foundations in any Special Flood Hazard Area is prohibited.**

15. New construction and substantial improvements, with **fully enclosed areas (such as garages and crawlspaces)** 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 below the base flood elevation 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 on separate walls having a total net area of not less than I square inch for every square foot of enclosed area subject to flooding shall be provided.
    b. The bottom of all openings shall be no higher than I 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.

16. The placement of **recreational vehicles (RV)** in Special Flood Hazard Areas must either
    a. be temporary, as demonstrated by the RV being fully licensed, being on wheels or a jacking system, attached to the site only by quick disconnect type utilities and security devices, having no permanently attached additions, and being immobile for no more than 180 consecutive days; or else
    b. Meet all provisions of this Code applicable to manufactured home structures.

17. All proposals for the development of a **residential subdivision, commercial business park or manufactured home park/subdivision** must have **public utilities and facilities such as sewer, gas, electrical and water systems** located and constructed to minimize or eliminate flood damage.

18. All proposals for the development of a **residential subdivision, commercial business park or a manufactured home park/subdivision** must include an adequate **drainage plan** to reduce exposure to flood hazards.

19. All proposals for the development of a **commercial business park or a manufactured home park/subdivision** must include an adequate **evacuation plan** for the escape of citizens from affected nonresidential structures during flooding events.

SECTION B. RISK ZONE SPECIFIC STANDARDS

In addition to the General Standards, the following standards apply to specific development types in specific Risk Zones. Risk Zones listed in this Code that do not appear on the current FIRM are not applicable.

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(1) In AE or Al-30 Risk Zones: Special Flood Hazard Areas with base floods determined

a. **For Residential Structures in Zone AE or A 1-30**:

1. For all new residential structures, the top surface of the lowest floor must have an elevation {3 feet or more} above the published BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.

3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.

b. For Nonresidential Structures in Zone AE or Al-30:

1. All new commercial, industrial or other nonresidential structures must either:
   i. have the lowest floor (including basement) elevated {3 feet or more} above the base flood level or
   ii. be flood proofed such that, together with attendant utility and sanitary facilities, be designed so that below {an elevation of 3 feet above} 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.
   iii. a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Flood proofing Certificate 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.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures, the entire structure becomes subject to the requirements of a new nonresidential structure.

3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

c. For Manufactured Homes in Zone AE or Al-30:
    1. All manufactured homes that are placed or substantially improved 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, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated {3 feet or more} above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

    2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (l .) of this section be elevated so that either:
        i. the lowest floor of the manufactured home is {3 feet or more} above the base flood elevation, or
        ii. 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 be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

    3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.

    4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

d. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones Al-30 and AE on the community'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 community.

(2) Floodways: High-risk areas of stream channel and adjacent floodplain)

a. Developments in regulatory floodways are prohibited, **except** for the following:
    1. City park developments, parking lots (not requiring a retaining wall), bridge construction, road or driveway construction. All must be No-Rise certified.

b. No type of building, home (manufactured or otherwise), may be placed in a regulatory floodway, regardless of elevation, anchoring methods, or No-Rise certification.

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(3) In AH or AO Risk Zones: Special Flood Hazard Areas of shallow flooding

a. **For Residential Structures in Zones AH or AO**:
    1. All new residential structures must be constructed with the top surface of the lowest floor elevated {3 feet or more} above the published BFE, or {3 feet or more} above the highest adjacent grade in addition to the depth number specified (at least 3 feet if no depth number is specified) on the community's FIRM. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

    2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.

    3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure

b. **For Nonresidential Structures in Zones AH or AO**.
    1. All new commercial, industrial or other nonresidential structure must either:
        i have the top surface of the lowest floor elevated {3 feet or more} above the published BFE, or {3 feet or more} above the highest adjacent grade in addition to the depth number specified (at least 3 feet if no depth number is specified) on the community's FIRM, with documentation on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas; or

ii be flood proofed such that the structure, together with attendant utility and sanitary facilities be designed so that below {3 feet or more} above the published BFE in Zone AH, or {3 feet or more} above the base specified flood depth in an AO Zone, 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 of effects of buoyancy.

2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.

3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

c. For Manufactured Homes in Zones AH or AO:

1. All manufactured homes that are placed or substantially improved 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, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated {3 feet or more} above the published BFE, or {3 feet or more} above the highest adjacent grade in addition to the depth number specified (at least 3 feet if no depth number is specified) on the community's FIRM, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph l. of this section be elevated so that either:
   i the lowest floor of the manufactured home meets the elevation standard of paragraph 1., or
   ii 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 be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.

4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

d. **Where FEMA has not established a regulatory floodway in Zone in Zones AH or AO**, no Floodplain Development Permit may be issued unless a detailed engineering analysis is submitted along with the application that demonstrates the increase in base floodwater elevation due to the proposed development and all cumulative developments since the publication of the current FIRM will be less than 1 foot.

e. **Require adequate drainage paths** around structures on slopes, to guide floodwaters around and away from proposed structures.

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(4) In "A" Risk Zones:
(Special Flood Hazard Areas with no base flood elevations determined)

a. 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.

b. For Residential Structures in Zone A:

1. For all new residential structures, the top surface of the lowest floor must have an elevation {3 feet or more} above the BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.

3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.

c. For Nonresidential Structures in Zone A:

1. All new commercial, industrial or other nonresidential structures must either:

i. have the lowest floor (including basement) elevated {3 feet or more} above the base flood level or
ii. be flood proofed such that, together with attendant utility and sanitary facilities, be designed so that below {an elevation of 3 feet above} 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.
iii. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Flood proofing Certificate 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.

2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures, the entire structure becomes subject to the requirements of a new nonresidential structure.

3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

d. For Manufactured Homes in Zone A:

1. All manufactured homes that are placed or substantially improved 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, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated {3 feet or more} above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:
   i. the lowest floor of the manufactured home is {3 feet or more} above the base flood elevation, or
   ii. 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 be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.

4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

e. **Base flood elevation data and a regulatory floodway**, utilizing accepted engineering practices, shall be generated for subdivision proposals and other proposed development including the placement of **manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser,** if not otherwise provided.