

ORDINANCE NO. 2025-206

**A ORDINANCE AMENDING THE FLOOD DAMAGE PREVENTION CODE
AND CODIFYING IN CHAPTER 34 ENVIRONMENT OF THE BENTONVILLE
MUNICIPAL CODE; AND FOR OTHER PURPOSES**

WHEREAS, amendments to the Flood Damage Prevention regulations are needed regarding Base Level Engineer (BLE); and

WHEREAS, Flood Damage Prevention regulations are better aligned with the Environmental regulations of city code and should be relocated to that section.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS, THAT:

Section 1: That Bentonville Municipal Code, Appendix B Land Development Code, Article 1500 Flood Damage is hereby amended as shown in *Exhibit A: Flood Damage Protection*, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully;

Section 2: That Bentonville Municipal Code Appendix B Land Development Code, Article 1500 Flood Damage is hereby removed from Appendix B Land Development Code and codified as Article 34-V Flood Damage Prevention with numbering to begin at Sec 34-100;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED and APPROVED this 25 day of November, 2025.

APPROVED:


Stephanie Orman, Mayor

ATTEST:


Malorie Marrs, City Clerk

Exhibit A

Flood Damage Prevention Amendments

Strikethrough text to be deleted, underlined text to be added.

Sec 1500.09 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 manmade or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas or the Base Level Engineering 1% Flood Zone will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas or the Base Level Engineering 1% Flood Zone 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.

Sec 1500.15 Definitions

"Base Level Engineering" are flood risk datasets that meet the technical mapping standards outlined in FEMA Policy 204-078-1 Standards for Flood Risk Analysis and Mapping and include estimated floodplain extents (10%, 1% and 0.2% annual chance events), water surface elevation grids (1% and 0.2% annual chance events), flood depth grids (1% and 0.2% annual chance events), and Hazardous Flood Risk Assessment.

"BLE" is the acronym for Base Level Engineering

"Functionally Dependent Use" is a use that requires a location or construction contrary to the requirements of the Code. Shipyards and docks are the most common examples of "functionally ~~dependant~~ dependent uses," but in Arkansas, water and wastewater treatment facilities are often constructed on normally prohibited sites. Another example of a functionally ~~dependant~~ dependent use might be an addition to a manufacturing facility with precision equipment which must align with existing equipment in a pre-existing, pre-FIRM building. Variances may be granted for functionally dependent uses.

Sec. 1500.17 Duties and Responsibilities of Floodplain Administrator

(e) Interpret boundaries. 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.) Interpret, where needed, the exact location of the boundaries of Special Flood Hazard Areas floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and Base Level Engineering data:

- (1) Where the development area lies in whole or in part of a Special Flood Hazard Area as shown on the effective map.
- (2) Where the development area lies in whole or in part of the Base Level Engineering 1% Flood Extent.

(3) The sole purpose of this interpretation is to determinate the applicability of the provisions of this Code to the proposed project.

(f) Determine base flood elevations: Interpret and determine the base flood elevation when the development area lies in whole or in part of a Special Flood Hazard Area as shown on the effective map, using the current Flood Insurance Study, current Flood Insurance Rate Map, or Base Level Engineering as follows:

(1) Base flood elevations identified via FIRMs and Flood Insurance Studies shall take precedence over base flood elevations delineated by Base Flood Engineering if the FIRMs or Flood Insurance Studies show higher base flood elevations.

(2) Base flood elevations identified via Base Level Engineering shall take precedence over base flood elevations delineated by FIRMs and in Flood Insurance Studies if the Base Level Engineering shows higher base flood elevations.

(3) Base flood elevations identified via Base Level Engineering shall be used in Special Flood Hazard Areas when base flood elevations and/or depths are not provided on FIRMs and/or in Flood Insurance Studies.

(e)(g) Review base flood elevation data. Obtain, review and reasonably utilize, whenever the current Flood Insurance Study, current Flood Insurance Rate Map, or Base Level Engineering does not provide base flood elevation data, any base flood elevation 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.)

(f)(h) Provide notifications. Notify adjacent communities prior to any alteration or relocation of a watercourse.

(g)(i) Review flood carrying capacity. 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.

~~(e) Review base flood elevation data. 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.)~~

(h)(j) Provide inspections. 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.

(i)(k) Issue Certificates of Compliance.

(j)(l) Maintain documents. Maintain all records and documents pertaining to this Code for public inspection.

Sec 1500-18 Establishment of Floodplain Development Permit

- (a) *Applicability.* 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 or the Base Level Engineering 1% Flood Zone to ensure conformance with the provisions of this Code.

Sec 1500.22 Special Flood Hazard Areas General Standards

The following standards apply to all developments in Special Flood Hazard Areas and areas identified in the Base Level Engineering 1% Flood Zone, regardless of the type of proposed development or the Risk Zone of the proposed site.