

To the Mayor and Members of the City Council**June 17, 2025**

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**SUBJECT: CITY FLOOD RISK AREA (CFRA) REGULATION UPDATE**

This Informal Report is provided to update City Council on the implementation of regulations regarding new development and redevelopment disturbing less than one (1) acre in City Flood Risk Areas (CFRA). Regulations within the Floodplain Ordinance and Stormwater Criteria Manual were adopted by City Council on June 11, 2024, and became effective on July 15, 2024.

Background

In 2018, the Stormwater Management Program began an initiative to determine how to communicate non-FEMA flood risk information and how to regulate small sized developments (under one acre) in non-FEMA flood prone areas. The initiative was developed due to increasing instances of property owners and developers outside of the Federal Emergency Management Agency (FEMA) floodplain being surprised by flood events impacting their properties and development plans. In many cases, these impacts could have been minimized and/or prevented had communications and regulations regarding flood risks in these areas been consistent with the means of communication and regulation in FEMA floodplains. The significant, and often undefined and uncommunicated, risk of flooding outside of FEMA floodplains is a nationwide issue. Communicating non-FEMA flood risk information provides transparency of the flood risk information the City has so that residents and developers can use the same information to inform their decision making. Non-FEMA flood risk mapping can be found on the City's website at:

https://gisapps.fortworthtexas.gov/Html5Viewer/?viewer=CFW_Flood_Risk_Viewer

Between 2018 and 2024 the Stormwater Program held public and community group meetings to discuss and receive feedback on non-FEMA flood risk communications and regulations and worked closely with stakeholder groups, including the Real Estate Guidance Group and stakeholder groups associated with the American Council of Engineering Companies, Floodplain Management Plan, Stormwater Master Plan, and Stormwater Program. The stakeholders consisted of residents, developer's engineers, lenders, appraisers, title lawyers, insurance agents, surveyors, developers, and builders; organizational stakeholders included the Real Estate Council of Greater Fort Worth, the Greater Fort Worth Association of Realtors, the Fort Worth Builders Association, the Development Advisory Committee (DAC), and the Tarrant Appraisal District.

For reference, Informal Report No. 10236 (February 5, 2019), Informal Report No. 20-10383 (March 27, 2020), Informal Report No. 20-10443 (June 23, 2020) Informal Report No. 22-120 (August 16, 2022) and Informal Report No. 24-1856 (June 4, 2024) provide background on the non-FEMA flood risk mapping, regulation evaluation, and stakeholder engagement.

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Before adoption of non-FEMA CFRA regulations, most developments and redevelopments of less than 1 acre in size within CFRAs were not reviewed for stormwater impacts. This meant new development and redevelopment could potentially be built at flood risk and without considering drainage impacts to adjacent properties. There are several known instances where homes built in CFRAs flooded before implementation of these new regulations.

The adopted updates to the Floodplain Ordinance and Stormwater Criteria Manual incorporated regulations for development activity on properties less than one acre and located in a CFRA. Such development activity requires:

- Elevating and/or flood proofing of structures two (2) feet above the 100-year flood elevation, and;
- Submission of a Certificate of Compliance (COC) from an engineer to document that the development will not cause increased flood risk to neighboring properties.

CFRA regulations apply to permitted development activity ranging from accessory structures, room additions, and new construction as well as land uses such as single family residential, commercial, and mixed-use site development projects less than one acre in size. Citywide, there are roughly 294,734 parcels that are less than one acre in size. CFRA mapping overlaps with roughly 8,520 of these parcels with 3,370 parcels being 50% or more covered by CFRA mapping and 5,150 parcels being less than 50% covered by CFRA mapping.

Outcome of New Regulations To Date

The table below summarizes the types of development permits that have triggered a COC requirement and the number of COCs received since the CFRA regulations became effective in July 2024.

Type of Permit Triggering Certificate of Compliance Requirement	Number of Certificates of Compliance Accepted
New single-family residential (SFR) structure	1
New duplex	1
New addition/garage	2
Total number of Accepted Certificates of Compliance	4

As of May 19, 2025, Stormwater Development Services (SDS) has approved four (4) COCs, and three (3) are currently under review or awaiting more information. SDS has also received several inquiries regarding COC's in advance of building permit submittals. Three (3) of these inquiries are

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for New SFR's. SDS determined that two (2) of these properties will require COC's when the building permit is submitted.

Now that the regulations have been in place for nearly one year, several improvements have been identified as a result of concerns from the development community. These improvements include:

- Removing the requirement for a COC for a fence. This requirement will be removed because not all fences require a building permit creating a non-uniform application of the regulation. Staff will present an amendment to the CFRA Ordinance and the Stormwater Criteria Manual to City Council for consideration. Enhanced COC communication and education.
- A standard note has been developed and will be added to the Accela file for all permits pulled within the CFRAs, regardless of size and permit type. This note will inform current property owners of the flood risk and what types of activities would require a COC in the future to minimize future surprises to property owners regarding flood risk regulations on their property.
- The language related to CFRA mapping on the One Address website and in the Permit Assist/Open Counter application is being updated to clarify regulation applicability.
- Schedule trainings to inform real estate agents about the CFRA and FEMA floodplain regulations.
- Improving the annual mailer sent to property owners and residents with properties within the CFRA and FEMA floodplain.
- Participating in a future Development 101 workshop with a presentation focusing on CFRA regulations.
- The City will provide available information and suggestions on finished floor elevation requirements that the engineer can utilize to fill out the COC.
- If the information provided on the COC shows compliance with the City's requirements, no questions or additional information will be asked of the applicant before SDS signs off on the COC.

Additionally, due to resident questions regarding the impact of non-FEMA flood risk mapping on property values, the City has met with the Tarrant Appraisal District (TAD) to discuss the non-FEMA flood risk mapping shown on the City's website. TAD is reviewing this to evaluate if it might impact property valuations. If TAD determines the mapping will impact valuations, staff will share the outcome and TADs planned next steps and timeline with Council.

The City will continue to evaluate the current CFRA regulation process to identify and implement improvements over time, as appropriate.

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Approximately ten percent of the City within Interstate Loop 820 has undergone detailed engineering analysis of non-FEMA flooding conditions, which mapped approximately three and a half (3.5) square miles of CFRA. Due to the limited extent of detailed CFRA mapping, the City has also mapped approximately twenty-nine and a half (29.5) square-miles of non-FEMA Potential High Water Area (PHWA) mapping citywide for non-regulatory, flood risk advisory purposes.

The City plans to also refine PHWA flood risk mapping over time to better communicate and regulate non-FEMA flood risks. As PHWAs are evaluated in detail, they will be refined and converted into regulatory CFRAs. Depending on needs and resources, the Stormwater program would like to evaluate one or two PHWA drainage areas per year. Areas for evaluation would be prioritized by non-FEMA flood risk and identified considering the potential for informing upcoming redevelopment activity.

For additional information, please contact Jennifer Dyke, Transportation and Public Works Department, Assistant Director of the Stormwater Management Program by e-mail to jennifer.dyke@fortworthtexas.gov.

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