

# Mayor and Council Communication

**DATE:** 03/08/22

**M&C FILE NUMBER:** M&C 22-0158

**LOG NAME:** 20SW FLOODPLAIN PROVISIONS ORDINANCE UPDATE

**SUBJECT**

(ALL) Adopt an Ordinance Repealing and Restating Article VIII, Floodplain Provisions, Chapter 7 of the Code of the City of Fort Worth

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**RECOMMENDATION:**

It is recommended that the City Council adopt the attached ordinance repealing and restating Article VIII, Floodplain Provisions of Chapter 7 of the Code of the City of Fort Worth.

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**DISCUSSION:**

The purpose of this Mayor and Council Communication (M&C) is to recommend Council adopt the revisions to the City Code Chapter 7, Article VIII, Floodplain Provisions (the Floodplain Ordinance) and provide an overview of the planned revisions. Revisions to the Floodplain Ordinance are necessary for the City's ongoing participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

The City's participation in the NFIP makes flood insurance available city-wide. The associated Community Rating System (CRS) promotes flood risk awareness and currently provides a 10% discount on Federal Flood Insurance premiums to Fort Worth residents based on the City's flood mitigation efforts. The Floodplain Ordinance update is being presented on a schedule to meet the April 2022 CRS Verification Visit and will maintain the City's participation in CRS. The proposed revisions are primarily administrative in nature and either satisfy NFIP/CRS compliance requirements or clarify existing policy. The proposed revisions are generally summarized as follows:

- Revised the list of definitions to match current FEMA definitions
- Made terminology consistent throughout the ordinance
- Added FEMA Substantial Improvement and Substantial Damage language
- Added building equipment elevation standards to reflect recent FEMA and CRS requirements
- Updated the Floodway section to reflect updated FEMA policy
- Updated the permit process to clarify application steps and submittal requirements
- Re-organized the Variance section and added a deadline for approval / denial
- Added FEMA-compliant subsections for temporary structures, temporary storage, temporary construction, critical facilities, tanks, fences and walls

Stormwater Management staff has maintained extensive stakeholder engagement to identify and work through questions and concerns associated with the proposed updates. Since a number of the changes impact the review and permitting of private development projects, the Development Advisory Committee (DAC) and the DAC Stormwater Subcommittee were key participants in this effort. Additionally, the proposed revisions were prepared in close coordination with the larger effort to update multiple aspects of the development and permitting process in order to improve consistency and eliminate ambiguity across the City's development requirements. Law Department staff were engaged throughout the process, as well as FEMA regulatory staff and CRS program auditors.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that approval of this recommendation will have no material effect on City funds.

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