

## SECTION 1.

Chapter 7, “Buildings,” Article VIII, “Floodplain Provisions,” Division 2, “General Provisions,” Section 7-316 of the Code of the City of Fort Worth, (2022), is hereby amended in its entirety to be read as follows:

### § 7-316 LANDS TO WHICH THIS ARTICLE APPLIES.

Divisions 1 through 6 of this Article shall apply to all Special Flood Hazard Areas within the City of Fort Worth or otherwise under its jurisdiction and control. Division 7 of this Article shall apply to all City Flood Risk Areas within the City of Fort Worth or otherwise under its jurisdiction and control.

## SECTION 2.

Chapter 7, “Building Code,” Article VIII, “Floodplain Provisions,” of the Code of the City of Fort Worth, (2015), is hereby amended by adding Division 7, “Development Within the City Flood Risk Areas” to be and read as follows:

### DIVISION 7: DEVELOPMENT WITHIN THE CITY FLOOD RISK AREAS

#### § 7-392.1 STATEMENT OF PURPOSE.

Although the City of Fort Worth participates in the National Flood Insurance Program which provides separate regulations designed to protect against public and private losses due to flooding within FEMA Special Flood Hazard Areas, there is currently no additional regulations that deter, protect, and prevent against flood risks for areas outside of the FEMA Special Flood Hazard Areas. It is for that reason that Division 7 has been created, to promote and protect the public health, safety and general welfare of the residents of the City of Fort Worth by establishing provisions that minimize public and private losses due to flood conditions within the identified City Flood Risk Areas that are not addressed by the FEMA Special Flood Hazard Areas.

#### § 7-392.2 DEFINITIONS.

For the purpose of this division, the following words, phrases and terms shall have these meanings:

**CITY FLOOD RISK AREAS (CFRA).** Areas designated by the City, located generally upstream of the FEMA regulatory floodplains, where detailed engineering studies were prepared for specific watersheds indicate that storm water runoff accumulates due to concentration of flow, storm drain capacity limitations, and obstructions based on topography.

**CFRA CERTIFICATE OF COMPLIANCE.** A certificate required by the City for Development with a Land Disturbance of less than one acre within a CFRA.

**COMMON PLAN OF DEVELOPMENT.** Shall have the meaning ascribed to that term in the Stormwater Criteria Manual.

**DESIGN FLOOD ELEVATION (DFE).** Within the CFRAs, this means, water surface elevations of the 1% annual chance flood event (also known as 100-year) plus 2 feet of freeboard.

**DEVELOPMENT.** Any human-made change to improved or unimproved real property, including but not limited to, the construction or alteration of buildings or other structures such as residential structures, non-residential structures, fences, sheds, garages, and retaining walls, or the filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

**MINOR PROJECT.** A Development of less than one acre within a CFRA that does not cause an obstruction to floodwaters, does not increase the natural grade of the property, and will not increase floodwater elevations such as, but not limited to, paving a driveway or parking area at the existing grade, small isolated obstructions such as mailboxes or single telephone poles, and interior remodels with no revisions to the existing footprint of the structure.

### **§ 7-392.3 ESTABLISHMENT OF CFRA CERTIFICATE OF COMPLIANCE.**

- (a) A CFRA Certificate of Compliance is required for Developments with less than one acre of land disturbance to ensure compliance with the provisions of this Division. A Development with areas of land disturbance of one acre or more will not require a CFRA Certificate of Compliance, but must comply with the City's Stormwater Criteria Manual. No Development shall occur on any land within a CFRA unless a CFRA Certificate of Compliance or a Stormwater Drainage Study has been approved by the City.
- (b) No building permit shall be issued for any property that does not have a CFRA Certificate of Compliance or a Stormwater Drainage Study approved by the City, unless the City has determined that the Development is a Minor Project or grants a Variance to the requirements of this Division.
- (c) Exemptions for Minor Projects. Minor Projects can be permitted without requiring a CFRA Certificate of Compliance per the discretion of the Floodplain Administrator or their designee. The Floodplain Administrator, or their designee, will make the determination, in their sole discretion, as to whether a project will receive an exemption as a Minor Project.

### **§ 7-392.4 CFRA DEVELOPMENT PROCEDURES.**

- (a) The owner or representative of any proposed public or private Development shall verify if the proposed Development is located inside a CFRA prior to submitting an application to the City for a building permit.
- (b) A proposed Development in a CFRA with a land disturbance of one acre or more, or that is less than one acre but is part of a Common Plan of Development shall comply with the

Stormwater Criteria Manual and submit and obtain the City's approval of a Stormwater Drainage Study.

- (c) A proposed Development in a CFRA with a land disturbance of less than one acre that is not a Minor Project, and is not part of a Common Plan of Development, shall comply with the following:
  - (1) A licensed professional engineer registered with the State of Texas must fully complete and place their engineering seal on a CFRA Certificate of Compliance; and
  - (2) The completed and sealed CFRA Certificate of Compliance must be submitted to the City with the building permit application for review.
- (d) Unless a variance has been granted by the City or a Development activity has been determined by the Floodplain Administrator, or their designee, to be a Minor Project, the City will not approve any Development activity in a CFRA until either a CFRA Certificate of Compliance or a Stormwater Drainage Study has been reviewed and approved by the City.

**§ 7-392.5 STORMWATER CRITERIA MANUAL ADOPTED STANDARDS.**

The current edition of the Stormwater Criteria Manual, and all subsequent amendments and revisions thereto are hereby adopted and incorporated herein by reference. All Development within a CFRA shall comply with the Stormwater Criteria Manual and the provisions of this Division.

**§ 7-392.6 CFRA DEVELOPMENT STANDARDS.**

- (a) The finished floor elevation of any proposed structure, any addition to an existing structure, or the relocation of an existing structure in a CFRA, must be at or above the DFE, or the structure shall be either wet or dry floodproofed to at or above the DFE.
- (b) For all structures mitigated by elevation, a post-construction elevation certificate must be submitted to the City within 60 days of completion of construction in the form required by the Floodplain Administrator. The elevation certificate must be completed by a registered public land surveyor or licensed professional engineer. The elevation certificate must indicate the elevation of the structure in relation to mean sea level of the lowest floor, including a basement, finished garage, and the lowest elevation of machinery or equipment servicing the building.
- (c) For all structures mitigated by floodproofing, the floodproofing method must be shown on the construction plans. The structure and attendant utility and sanitary sewer facilities must be floodproofed to at or above the DFE. All wet or dry floodproofing shall be completed in accordance with Federal Emergency Management Agency's floodproofing requirements

and guidelines which are hereby adopted and incorporated herein by reference. A person commits an offense if the person fails to establish the finished floor elevation of a structure in a CFRA at or above the DFE, or fails to wet or dry floodproof a structure in a CFRA at or above the DFE, as required by this Section.

- (d) If a Develop or proposed Development is part of a Common Plan of Development, then the Development or proposed Development must comply with the Stormwater Criteria Manual.

#### **§ 7-392.7 REVIEW OF CFRA DEVELOPMENT; APPROVAL; DENIAL OF APPROVAL.**

The Floodplain Administrator, or their designee, shall deny any application for a building permit located in a CFRA unless it complies with the provisions of this Division 7 or the Stormwater Criteria Manual, as applicable, unless a variance is approved by the City or the Development is determined by the Floodplain Administrator to be a Minor Project. The process for the review, approval and denial of the CFRA Certificate of Compliance and the Stormwater Drainage Study shall be in accordance with this Division and the Stormwater Criteria Manual.

#### **§ 7-393.8 CFRA VARIANCES.**

A property owner may request a variance to the CFRA Development Procedures in accordance with the Stormwater Criteria Manual.

#### **§ 7-392.9 CFRA ENFORCEMENT.**

- (a) **Violations.** A person commits an offense by commencing Development within a CFRA without a CFRA Certificate of Compliance or a Stormwater Drainage Study that is approved by the City.
- (b) **Penalties.** A person who commits a violation of any provision of this Division 7 shall return the property to its previous condition, or comply with this Division 7.
- (c) **Enforcement.** The Floodplain Administrator, or their designee, or any code compliance officer, shall have the authority to enforce the provisions of this Division 7.
- (e) A violation of any provision of this Division 7 shall be enforceable in accordance with Section 7-351 of the City Code and state law.

### **SECTION 5.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provision of this ordinance shall be fined not more

than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.