



## Legislation Text

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**File #:** 21-1819, **Version:** 1

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** October 27, 2021  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Water Utilities Department  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Division 51A-5.100, "Flood Plain Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations"; **(1)** changing "flood plain" to "floodplain"; **(2)** adding and clarifying definitions; **(3)** clarifying the existence of regulatory floodplain maps and FEMA maps; **(4)** adding 500-year floodplain elevation requirements; **(5)** editing tree requirements to reference Article X; **(6)** providing references to FEMA documents; **(7)** clarifying the role of the board of adjustment; **(8)** providing clarification for parking requirements within a floodplain area; **(9)** providing clarification for fences in a floodplain area; **(10)** providing elevator requirements within floodplains; **(11)** reducing the substantial improvement timeframe from 10 years to five years to allow for general maintenance; **(12)** allowing a director-approved fill permit process; **(13)** providing pre-application conference requirements to the floodplain alteration permit; **(14)** providing cantilevering requirements; **(15)** amending the 130 acre limitations to 100 acres throughout to maintain consistency with the updated City of Dallas Drainage manual; **(16)** eliminating the fill permit extension option; **(17)** providing that fill permits expire five years after issuance; **(18)** clarifying requirements for a building permit; **(19)** providing a penalty not to exceed \$2,000; **(20)** providing a saving clause; **(21)** providing a severability clause; and **(22)** providing an effective date - Financing: No cost consideration to the City

### **BACKGROUND**

The City of Dallas is regulated by the Federal Emergency Management Agency (FEMA) for a number of broad reaching programs to prevent, respond, and recover from natural and man-made disasters. Through this agency, cities are also held to various standards that reduce and mitigate ahead of the disaster. The manner in which the City manages floodplains and floodways is through regulatory requirements issued by the National Flood Insurance Program (NFIP). The NFIP regulates the flood insurance policies for residential and commercial properties.

The Floodplain Regulations for the City are included in the Dallas Development Code in Article V. Division 51A-5.100, and are a requirement for the City's participation in the NFIP. The City is required to adopt all the Federal Emergency Management Agency's minimum standards, and as a Class 5 participant in the Community Rating System (CRS) Program, the City has adopted higher standards to protect life and property in the event of a flood. Benefits to participation in the NFIP and CRS programs include:

- Eligibility for federally backed mortgage loans,
- City adoption of floodplain regulations to participate in the NFIP is a requirement of state law,
- Participation in the NFIP aids the City in the ability to receive FEMA assistance for any natural disaster,
- Residents of the City of Dallas receive subsidized and discounted rates on their federally backed flood insurance.

Most floodplain within the City of Dallas is privately owned. Public and private floodplain areas are regulated the same under Article V. Section 51A - Floodplain Regulations. Over the last 10 years, floodplain related permits have increased from approximately 10-20 per year to 50-60 per year.

Over the years, as floodplain maps have been updated through Cooperating Technical Partners partnerships with FEMA, it has become necessary to update the regulations to provide more clarity and align more closely to the Code of Federal Regulations, and the requirements outlined by the Community Rating System requirements. The reasons for these updates include the following:

- To continue to provide protection to life and property in the event of a flood
- To implement a faster, more streamlined development process for both public and private entities.
- To provide clarity in areas that have consistently caused confusion
- Cleaned up some terminology left over from the 1980's, such as changing the word "flood plain" to "floodplain" and updating definitions to match FEMA definitions.
- Providing references to federal FEMA documents.
- Reduced the cost limitation timeframe on renovations of structures within the floodplain from 10-years to 5-years to better allow for general maintenance.

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On November 11, 2020, City Council authorized an amendment to the Dallas City Code to include changes and additions to meet federal criteria by Resolution No. 20-1254; Ordinance No. 31512.

On January 23, 2019, City Council authorized an amendment to the Dallas City Code to include changes and additions to meet federal criteria by Resolution No. 19-0221; Ordinance No. 31109.

On May 28, 2014, City Council authorized an amendment to the Dallas City Code to include changes and additions to meet federal criteria and new definitions by Resolution No. 14-0872; Ordinance No. 29359.

On May 23, 2012, City Council authorized an amendment to the Dallas City Code to include changes and additions to meet federal criteria and new definitions by Resolution No. 12-1422; Ordinance No. 28671.

**FISCAL INFORMATION**

No cost consideration to the City.