

# Article 15

## FLOODPLAIN MANAGEMENT

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***ADOPTED:***

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# ARTICLE 15: FLOODPLAIN MANAGEMENT

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# ARTICLE 15: FLOODPLAIN MANAGEMENT

## SECTION 1 - STATUTORY AUTHORIZATION

- 15.1.1 The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of The City of Grand Prairie, Texas, does ordain as follows:
- 15.1.2 The National Flood Insurance Program (NFIP) is a federal program established by Congress in 1968 that allows property owners to purchase federally backed flood insurance within communities that participate in the program. The City of Grand Prairie is a participant in the NFIP. In return for this protection, the City of Grand Prairie must implement floodplain management measures to reduce flood risk to new and existing development in accordance with federal regulations.
- 15.1.3 The City of Grand Prairie is an active participant in the NFIP's Community Rating System (CRS). The CRS program recognizes and encourages community floodplain management activities that exceed the minimum NFIP standards. The City's participation in this program reduces the community's risk to flooding and provides residents the opportunity to purchase flood insurance at a discounted rate.

## SECTION 2 - FINDINGS OF FACT

- 15.2.1 The Special Flood Hazard Areas (SFHA) or floodplains of The City of Grand Prairie are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which may adversely affect the public health, safety and general welfare.
- 15.2.2 These flood losses are created by the cumulative effect of obstructions in floodplains that cause an increase in flood heights and velocities, and by the occupancy of SFHAs by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

## SECTION 3 - STATEMENT OF PURPOSE

- 15.3.1 The purpose of floodplain regulations is to promote the public health, safety, and welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
- A. Protect human life and health;
  - B. Minimize expenditure of public money for costly flood control projects;
  - C. Minimize the need for rescue and relief efforts associated with flooding that are generally undertaken by the City at the expense of the general public;
  - D. Minimize prolonged business interruptions;

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- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and wastewater lines, streets and bridges, that are located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- G. Help potential buyers become aware of property that is subject to flooding.

### SECTION 4 - DEFINITIONS

15.4.1 Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning, they have in common usage and to give this ordinance it's most reasonable application.

**Base Flood:** A flood having a 1% chance of being equaled or exceeded in any given year. Said flood is sometimes known as the 100-year (1% annual chance) frequency flood.

**Base Flood Elevation:** The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE.

**Basement:** Any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

**Building:**

- (1) A structure with 2 or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; or
- (2) A manufactured home (a "manufactured home," also known as a mobile home, is a structure built on a permanent chassis, transported to its site in 1 or more sections and affixed to a permanent foundation); or
- (3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the City's floodplain management and building ordinances or laws.

"Building" does not mean a gas or liquid storage tank or a recreational vehicle, park trailer or other similar vehicle, except as described above.

**Community:** A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction, the City of Grand Prairie and its Extraterritorial Jurisdiction (ETJ).

**Community Rating System (CRS):** FEMA program that recognizes community floodplain management activities to reduce the risk of flood-related damages and losses and to provide flood insurance at a discounted rate.

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**Conditional Letter of Map Amendment (CLOMA):** FEMA’s formal review and comment on whether a proposed project should be considered out of the SFHA based on existing, natural grade land conditions.

**Conditional Letter of Map Revision (CLOMR):** FEMA’s formal review and comment on whether a proposed project complies with the minimum NFIP floodplain management criteria prior to construction.

**Critical Facilities:** Includes schools, hospitals, nursing homes, orphanages, penal institutions, police stations, fire stations, emergency ambulance service, emergency communication centers, water and sewage pumping stations.

**Development:** Any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

**Elevated Building:** A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Elevation Certificate:** An administrative tool used by the National Flood Insurance Program (NFIP) to document the elevation of the lowest floor (including basement) of an existing, new or substantially improved building.

**Equal Degree of Encroachment:** A standard applied in determining the location of floodway limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

**Federal Emergency Management Agency (FEMA):** The federal agency under which the National Flood insurance Program (NFIP) is administered. In March 2003, FEMA became part of the newly created U.S. Department of Homeland Security.

**Flood or Flooding:** Means a general and temporary condition of partial or complete inundation of 2 or more acres of normally dry land area or of 2 or more properties are inundated by water from:

- (1) The overflow of inland waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM):** Official map of a community on which FEMA has delineated the Special Flood Hazard Areas, the base flood elevations, and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS):** A compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. When a flood study is completed for the NFIP, the information and maps are assembled into an FIS. The FIS report contains detailed flood elevation data in flood profiles and data tables.

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**Floodplain or Flood-Prone Area:** Any land area susceptible to being inundated by floodwater from any source.

**Floodplain Development Permit (FDP):** Application required by the City of Grand Prairie prior to any earthwork or construction in the floodplain. (Fee information is covered in [Article 12](#) of the UDC.)

**Floodplain Management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood-control works and floodplain management regulations.

**Floodplain Management Regulations:** City ordinances that provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing:** Any combination of structural and nonstructural additions, changes or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities or structures with their contents.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Fully Developed Watershed Conditions:** The anticipated condition of the watershed after the watershed has undergone ultimate land use development.

**Functionally Dependent Use:** A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Historic Structure:** Any building that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; or
- (3) Individually listed on a Texas inventory of historic places in Texas with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved Texas program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

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**Letter of Map Amendment (LOMA):** An official amendment, by letter, to an effective FEMA map. It establishes a property's location in relation to the SFHA.

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**Letter of Map Revision (LOMR):** An official amendment to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations and elevations.

**Levee:** A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water in order to reduce the risk from temporary flooding.

**Levee System:** A flood protection system that consists of levees, floodwalls, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including a basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of requirements.

**Lowest Floor Elevation (LFE):** The measured distance of a building's lowest floor above the National Geodetic Vertical Datum (NGVD) or other datum specified on the FIRM for that location lowest floor elevations (LFE) of structures shall be the greater of one foot above the regulatory 100-year (1% annual chance) base flood elevation (BFE) for fully developed conditions in the watershed or two feet above the FEMA FIRM 100-year (1% annual chance) base flood elevation that utilizes existing land use conditions. LFEs for parking lots and open storage shall be at least one (1) foot above the BFE. The LFE can be greater than the elevation calculated but it cannot be less.

**Manufactured (Mobile) Home:** A structure built on a permanent chassis, transported to its site in 1 or more sections and affixed to a permanent foundation. The term "manufactured (mobile) home" does not include recreational vehicles.

**Manufactured (Mobile) Home Park or Subdivision, Existing:** A manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or before December 31, 1974 or before the effective date of the community's initial Flood Insurance Rate Map (FIRM), whichever is later.

**Manufactured (Mobile) Home Park or Subdivision, Expansion to Existing Site:** The preparation of additional sites by the construction of facilities for servicing the lots on which manufactured (mobile) homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

**Manufactured (Mobile) Home Park or Subdivision, New:** A manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed after December 31, 1974, or on or after the effective date of the community's initial Flood Insurance Rate Map (FIRM), whichever is later.



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**Mean Sea Level:** The North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**National Flood Insurance Program (NFIP):** Federal insurance program created by Congress to mitigate future flood losses through sound, community-enforce building and zoning ordinances and to provide access to federally backed flood insurance for property owners.

**New Construction:** Structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City and includes any subsequent improvements to such structures.

**Nonresidential Structure:** A commercial or non-habitational building or a mixed-use building that does not qualify as a residential building. This category includes but is not limited to: small businesses, churches, schools, farm buildings (including grain bins and silos), garages, poolhouses, clubhouses, recreational buildings, mercantile buildings, agricultural and industrial buildings, warehouses, nursing homes, licensed bed and breakfasts and hotels and motels with normal room rentals for less than 6 months. The City requires nonresidential structures to be built at least two feet above the base flood elevation or to be floodproofed.

**Open Storage:** Allowed outdoor storage as provided by UDC [Article 11](#).

**Physical Map Revision (PMR):** A physical map revision to effective FEMA floodplains.

**Recreational Vehicle:** A vehicle (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Residential Structure:** Property located within a single family, duplex, or multi-family zoning district or within a planned development zoning district (or identifiable portion of such a district) limited to residential use. The City requires residential structures to be built at least 2 feet above the base flood elevation.

**Riverine:** Means relating to, formed by, or resembling a river (including tributaries), stream, creek, brook, etc.

**Special Flood Hazard Area:** An area having special flood or flood-related erosion hazards and shown on a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. These areas are subject to inundation by the 1 percent annual chance flood.

**Structure:** A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home. The terms "structure" and "building" are interchangeable in the NFIP. See Article XIX for additional Gas Drilling and Production requirements.

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**Substantial Improvement:** Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the first alteration of any wall, ceiling, floor or other structural part of a building commences, whether or not that alteration affects the exterior dimensions of the structure. The term does not include either any project for improvement of a building to correct existing state or local code violations or any alteration to a "historic building", provided that the alteration will not preclude the building's continued designation as a "historic building." The Floodplain Administrator may approve proposed improvements if the cumulative value of all improvements for the previous ten (10) years is less than 50% of the market value or tax appraisal value of improvements on the property, whichever is greater. No substantial improvements are permitted.

**Variance:** A grant of relief by the City from the terms of its floodplain management regulations. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulations.)

**Violation:** Means the failure of a structure or other development to be fully compliant with the City's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the National Flood Insurance Program Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation:** The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**Watershed:** The region or area drained by a river, stream, etc. Equivalent terms are drainage area, drainage basin, catchment area, and contributing area.

**Zone of Influence:** The "Zone of Influence" is defined as the point downstream of a proposed development where the proposed development has no significant impact on the receiving stream, including; (1) the receiving stream or channel is adequately sized to accommodate the runoff (based on fully developed conditions in the watershed); (2) velocity increases in the channel or stream are not erosive (based on actual channel soils); and (3) there is no rise in the base flood elevation (off of the property being developed).

### SECTION 5 - LANDS TO WHICH THIS ORDINANCE APPLIES (JURISDICTION)

15.5.1 This Article applies to all SFHAs within the City of Grand Prairie and its extraterritorial jurisdiction (ETJ). All development within a FEMA defined floodplain shall be in accordance with the National Flood Insurance Program (NFIP) 44 Code of Federal Regulations (CFR).

### SECTION 6 - BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD AREAS (SFHA)

15.6.1 The SFHAs include:

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- A. The areas of special flood hazard identified by FEMA in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Tarrant County, Texas and Incorporated Areas," dated ~~September 25, 2009~~ March 21, 2019, with accompanying Flood Insurance Rate Maps dated ~~September 25, 2009~~ March 21, 2019, "The Flood Insurance Study (FIS) for Dallas County, Texas and Incorporated Areas," dated ~~July 7, 2014~~ March 21, 2019, with accompanying Flood Insurance Rate Maps dated ~~July 7, 2014~~ March 21, 2019, "The Flood Insurance Study (FIS) for Ellis County, Texas and Incorporated Areas," dated June 3, 2013, with accompanying Flood Insurance Rate Maps dated June 3, 2013, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.
- B. Those areas, which have not yet been delineated on the FEMA maps, but are known to constitute a special flood hazard.

### SECTION 7 - FLOODWAYS

- 15.7.1 Floodways are located within those Special Flood Hazard Areas. The floodway can be an extremely dangerous area due to the velocity of flood waters that can carry potential debris, projectiles, and erosion concerns. Therefore, the following provisions shall apply:
- A. Encroachments are prohibited, including fill, new construction, substantial improvements of non-conforming structures and other development unless it has been demonstrated to the satisfaction of the Floodplain Administrator by a professional registered engineer that the encroachment, individually or collectively, shall not result in any increase in flood flows or damages and shall not increase the base flood elevation (BFE) during the occurrence of the 100-year (1% annual chance) storm event for fully developed conditions.
  - B. If the immediately preceding subsection is satisfied, all construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article.
  - C. Where it is anticipated that additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, within the "Zone of Influence" of the development, whether natural or man-made, and result in hazardous conditions, the Stormwater Department may withhold approval of the subdivision plan and/or plat until appropriate provision has been made to accommodate the problem. The developer shall provide plans identifying all necessary off-site improvements, including storm drainage systems, channel grading, driveway adjustments, culvert improvements, etc. The City will not approve a final plat that does not conform to the minimum Federal Emergency Management Agency (FEMA) regulations regarding floodplain management.

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### SECTION 8 - COMPLIANCE

- 15.8.1 No structure or land shall hereafter be located, altered, or have its use changed without full

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compliance with the terms of this Article and other applicable regulations of this Code.

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### SECTION 9 - ABROGATION AND GREATER RESTRICTIONS

15.9.1 This Article is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### SECTION 10 - INTERPRETATION

15.10.1 In the interpretation and application of this Article, all provisions shall be considered as minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by Texas statutes.

### SECTION 11 - WARNING AND DISCLAIMER OF LIABILITY

15.11.1 The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This Article does not imply that land outside the SFHAs or uses permitted within such areas will be free from flooding or flood damages.

15.11.2 This Article shall not create liability on the part of the City or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made there under. In no case shall responsibility or liability arise from the design or operation of drainage facilities dedicated to the City.

### SECTION 12 - DISCLOSURE OF FLOODPLAIN DESIGNATION

15.12.1 Any person or agent of any person who sells a house, lot tract, or parcel of land in any area designated as a Special Flood Hazard Area or floodplain in accordance with this Article shall reveal in writing to the buyer thereof that said property is located within a floodplain. Any lending institution which handles the commercial paper related to said transaction shall inform the borrower that flood insurance is available for said house, lot tract, or parcel of land. This information should be provided no later than two (2) working days prior to closing.

15.12.2 Any person who is found guilty of violating this section by a court of competent jurisdiction shall be fined as provided elsewhere in this Code. The penalty provided herein shall be in addition to any other remedy a buyer may have.

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### SECTION 13 - DESIGNATION OF FLOODPLAIN ADMINISTRATOR

15.13.1 The City Manager hereby appoints the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 Code of Federal Regulations (CFR) Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management. The City Manager may delegate all or part of the responsibilities of the Floodplain Administrator to a person on staff.

### SECTION 14 - DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

15.14.1 Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- A. Maintain and hold open for public inspection all records pertaining to the provisions of this Article.
- B. Review building permit applications as required by [Article 13](#), "Building Permits" for sites located in, or adjacent to, the regulatory floodplain to determine whether proposed building sites will be reasonably safe from flooding.
- C. Review, approve, or deny all application for floodplain permits required by this Article.
- D. Review permits required by this subsection to provide reasonable assurance that all other necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Clean Water Act) from which prior approval is required. However, these assurances do not assume any responsibility on the part of the Floodplain Administrator or the City of Grand Prairie to enforce the conditions and requirements of permits issued by agencies other than the City.
- E. Where interpretation is needed as to the exact location of the boundaries of SFHAs (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- F. In riverine situations, notify adjacent communities prior to any alteration or relocation of a watercourse and submit evidence of such notification to the FEMA.
- G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- H. When base flood elevation data has not been provided in accordance with this Article, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and/or floodway information available from a federal, state, or other reliable source, in order to administer the provisions of [Section 6 "Basis for Establishing Special Flood Hazard Areas \(SFHA\),"](#) of this Article.
- I. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development

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(including fill) shall be permitted within Zones A1-30 and AE on the City's Flood Insurance Rate Maps (FIRM) unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

- J. Maintain a record of all variance actions, including justification for their issuance.

### SECTION 15 - FLOODPLAIN PERMIT (FDP) PROCEDURES

15.15.1 A City of Grand Prairie Floodplain Development Permit (FDP) shall be required for all proposed development in a Special Flood Hazard Area or floodplain to assure conformance with the provisions of this Article. It shall be issued by the Stormwater Department.

15.15.2 Application for a Floodplain Development Permit (FDP) shall be presented to the Floodplain Administrator on forms provided on the City's website and shall include but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Maintain a record of all such information in accordance with [Section 15.14.1.A](#) of this Article. Additionally, the following information is required:

- A. Permit required showing necessary approval of other agencies: If a federal, state or other agency permit is required for the proposed development, a copy of the appropriate agency's approved permit must be provided to the City with the FDP application.
- B. Fences can be placed within the floodplain provided that the portion of the fence that falls below the lowest floor elevation is constructed such that stormwater runoff can pass through the fence. A permit is required from the Building Inspections Department prior to constructing or replacing a fence and is separate from the FDP.
- C. If the parcel of land, or lot, is less than one (1) acre and is located within the delineated floodplain, then the floodplain permit can be included with the building permit. Permits shall be reviewed for proposed development to assure that all other necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- D. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
- E. Elevation (in relation to mean sea level) of the lowest floor to which any nonresidential structure shall be floodproofed and the level to which the structure is floodproofed must be clearly identified;
- F. A certified statement from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria of this Article;

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- G. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
- H. FEMA effective HEC-RAS models should be used for existing conditions. Future conditions should be modeled using the City's ultimate (or fully developed) watershed conditions scenario from the appropriate City Drainage Master Plan study, if available. For areas along the Trinity River Corridor, the CDC model provides an ultimate conditions model. In the event that an area has not been modeled by FEMA or the City, the property owner will need to hire a licensed engineer in the State of Texas to develop existing and ultimate conditions HEC-RAS models.
- I. Base flood elevation data for subdivision proposals and other proposed development which consist of greater than 30 lots or three acres, whichever is lesser, if not otherwise provided;
- J. When requested, three or more valley cross sections including the channel of the stream at points specified by the Floodplain Administrator, topographic information for areas adjoining sides of the channel, cross sections for land to be occupied by the proposed development, high water information, and other pertinent details may be required;
- K. When requested, estimates of the discharge within the SFHA or regulatory floodplain and determination of the specific flooding threat at the site of the proposed development and whether the proposed development is located in a floodplain and/or floodway area may be required to be demonstrated by providing:
  - 1. Calculation of water surface elevations, base flood elevation(s), and lowest floor elevations shall be provided on the plans and shall be based upon a hydraulic analysis of the capacity of the stream channel and over bank areas to convey the regulatory flood.
  - 2. Lowest floor elevations (LFE) of structures along with attending utilities shall be the greater of one foot above the regulatory 100-year (1% annual chance) base flood elevation (BFE) for fully developed conditions in the watershed or two feet above the FEMA FIRM 100-year (1% annual chance) base flood elevation that utilizes existing land use conditions, whichever is higher. LFEs for parking lots and open storage shall be at least one (1) foot above the BFE. This information shall be shown on the plat for all proposed structures within 200 feet of the regulatory floodplain. The LFE can be greater than the elevation calculated but it cannot be less.
  - 3. Computation of the floodway is required to convey this flood without increasing flood heights to an extent, which would cause substantial upstream or downstream damage to existing or reasonably anticipated future development.
  - 4. Computation of the floodway elevations shall be based upon the reasonable assumption that there will be an equal degree of encroachment and reduction in conveyance on both sides of the stream within that reach. Any potential encroachment in the floodway must receive a FEMA-approved Conditional Letter of Map Revision (CLOMR) prior to the City issuing a FDP.



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5. Any increase in flood stages attributable to encroachments on the existing floodplain of any river or stream shall not exceed one foot in any one reach or for the cumulative effect of several reaches and zero increase for the ultimate flow conditions.
6. There shall be no loss of valley storage within the fully developed 100-year (1% annual chance) floodplain.
7. After construction is completed, Elevation Certificate(s) shall be provided to the Floodplain Administrator by a licensed surveyor or engineer in Texas for all buildings constructed within 200 feet of the 100-year (1% annual chance) floodplain to confirm compliance with this ordinance before occupation of the buildings can be approved.

15.15.3 Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Article and the following relevant factors:

- A. The danger to life and property due to flooding or erosion damage;
- B. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- C. The danger that materials may be swept onto other lands to the injury of others;
- D. The compatibility of the proposed use with existing and anticipated development;
- E. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- F. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as wastewater, gas, electrical, and water systems;
- G. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- H. The necessity to the facility of a waterfront location where applicable;
- I. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
- J. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
- K. Erosive velocities created by the project.
- L. Loss of valley storage within the fully developed 100-year (1% annual chance) floodplain.

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### 15.15.4 Floodplain Permit Fee:

Please see [Article 22 "Fee Schedule"](#) of the Unified Development Code for required fees.

### *SECTION 16 – FEMA Acknowledgment of Removal of Property from the Floodplain*

After a structure and/or property have been removed from the regulated floodplain, the property owner must obtain at his or her expense formal documentation from FEMA through a Physical Map Revision (PMR) or a Letter of Map Change (LOMC). FEMA establishes recovery fees based on the complexity of the project. These fees are responsibility of the property owner. FEMA provides three options for accomplishing this task: Letter of Map Amendment (LOMA), Letter of Map Revision Based on Fill (LOMR-F), and Letter of Map Revision (LOMR). All FEMA LOMCs must be made through the City's Floodplain Administrator.

A PMR is an official republication of the City's FIRM that documents changes to BFEs, floodplain boundaries, floodways, and planimetric features. PMRs often result from requests for LOMRs that involve more than one map panel. FEMA or the City can initiate a PMR. In either case, scientific and technical data must be submitted to FEMA for analysis. If warranted, FEMA can issue a new FIRM for the affected area.

The options for pursuing a LOMC are described in more detail below. In the event that the applicant is uncertain as to how FEMA may respond to a LOMC request, the property owner can submit a conditional letter to FEMA for review and unofficial determination prior to proceeding with the project. Obtaining FEMA's input prior to a project allows the property owner the opportunity to make adjustments in the design to address any comments or concerns that FEMA brings forward in its review prior to construction. If the project moves forward following the results of the conditional letter, a formal LOMC must also be prepared and submitted to FEMA at the property owner's expense after the project is complete.

#### 15.16.1 Conditional Letter of Map Amendment (CLOMA)

A CLOMA is used when a proposed structure or property at the current, natural grade would be above the BFE. No fill can be used to elevate the structure or property. If FEMA agrees that the project qualifies as a CLOMA, then the property owner can develop the proposed project. After the project is completed, the property owner must submit a LOMA to FEMA to formally remove the structure and/or property from the floodplain.

A CLOMA does not have to be submitted prior to the project moving forward. However, the property owner is at his or her own risk if he or she does not obtain a CLOMA prior to submitting a LOMA.

#### 15.16.2 Conditional Letter of Map Revision (CLOMR)

The City requires a land owner to submit to FEMA a CLOMR when the proposed development is anticipated to impact the floodway or cause a rise in the base flood elevation. The purpose of the CLOMR is to obtain FEMA's input on the proposed project **prior** to the implementation of said project. FEMA uses the CLOMR process to indicate whether the project, if built as proposed, would be recognized by FEMA.

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The CLOMR must be submitted and FEMA must provide its decision **prior** to any work being done in the floodplain or Special Use Permit (SUP). A building permit cannot be issued based on FEMA's response to a CLOMR because a CLOMR does not change the FEMA FIRM.

If the proposed project is recognized by FEMA, then the project can proceed as planned. The owner will have to submit a Letter of Map Revision (LOMR) to FEMA at the completion of the project to formally remove the structure and/or property from the SFHA.

If the proposed project is not recognized by FEMA, then the project cannot proceed as is. The proposed project must be revised to address FEMA's comments and resubmitted for FEMA's consideration. A project may not move forward until it is recognized by FEMA through the CLOMR process.

### 15.16.3 Letter of Map Amendment (LOMA)

FEMA provides LOMAs that recognize an official amendment, by letter, to the effective FIRM map by establishing the property's location in relation to the SFHA. FEMA typically issues LOMAs when a property has been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the BFE. No fill can be used with a project requesting a LOMA. LOMAs do not typically have a FEMA recovery fee associated with them.

### 15.16.4 Letter of Map Revision (LOMR)

FEMA uses the LOMR to officially modify an effective FIRM for an existing structure and/or property. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic conditions of a flooding source that result in the modification of the SFHA, BFE, or the floodway. The LOMR officially revises the floodplain maps, including the FIS in some cases.

### 15.16.5 Letter of Map Revision Based on Fill (LOMR-F)

FEMA also uses the LOMR-F to officially modify an effective FIRM for an existing structure and/or property. LOMR-F is used when a structure or property has been removed from the SFHA as a result of fill that has been brought onto the property. A LOMR-F cannot be used if the fill changes the BFE. A LOMR-F cannot be used for fill that has been brought into a floodway.

FEMA provides formal documentation of its decisions to the property owner and the City.

## SECTION 17 - PROVISION FOR FLOOD HAZARD REDUCTION

### General Standards

- 15-18 15.17.1 In all SFHAs the following provisions are required for all new construction and substantial improvements:

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- A. Designed (or modified) to adequately anchor to prevent flotation, collapse or lateral movement of the structure or stored materials resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. Constructed by methods and practices that minimize flood damage;
- C. Constructed with materials resistant to flood damage;
- D. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- E. Designed to minimize or eliminate infiltration of flood waters into water supply systems;
- F. Designed to minimize or eliminate infiltration of flood waters into the wastewater systems and discharge from the systems into flood waters; and
- G. Located to avoid impairment to or contamination from on-site waste disposal systems from floodwaters.
- H. Located air conditioning pads at the same lowest floor elevation as the structure.
- I. No critical facility shall be placed within the 500-year floodplain.
- J. All roads/streets shall be no less than two feet above the base flood elevation unless approved otherwise.

### SECTION 18 - SPECIFIC STANDARDS FOR HABITABLE STRUCTURES

15.18.1 In all SFHAs where base flood elevations data has been provided as set forth in this Article, the following provisions are required:

- A. Residential Construction - New construction and substantial improvements of any residential structure shall have the lowest floor elevation (including basement) be the greater of one foot above the base flood elevation (BFE) for fully developed conditions in the watershed or two feet above the FEMA FIRM 100-year (1% annual chance) BFE that utilizes existing land use conditions. A registered surveyor or registered professional engineer shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in [Section 15.15.2 "Floodplain Development Permit \(FDP\) Procedures"](#) of this Article has been followed.
- B. Nonresidential Construction - New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall have the lowest floor elevation (including basement) along with attending utilities be the greater of one foot above the BFE for fully developed conditions in the watershed or two feet above the FEMA FIRM 100-year (1% annual chance) BFE that utilizes existing land use conditions.

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1. A registered professional engineer shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection.
2. A record of such certification, which includes the specific lowest floor elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
3. Structures located on fill within the 100-year (1% annual chance) floodplain but outside of the floodway area are required to fill areas that extend 15 feet beyond the limits of intended structures. If the area uses on-site waste disposal, the septic system must be located to the same lowest floor elevation as the structure.
4. The City may consider wet or dry floodproofing for nonresidential structures on a case-by-case basis. If floodproofing is allowed, the structure must be designed to be floodproofed for the portion of the structure that is below the elevation of the BFE plus two feet. Floodproofing must adhere to FEMA standards and appropriate documentation must be prepared and sealed by a licensed professional engineer in the State of Texas. Floodproofed structures must be designed to resist hydrostatic and hydrodynamic loads and effects of buoyancy.

The lowest floor elevation of structures for nonresidential use may be permitted at a lower elevation than specified in this Section, if the area is protected to the higher of a height of not less than one foot above the base flood elevation (taking into account the effects of future full development), or to two feet above the FEMA FIRM base flood elevation, by levees, channel modifications, or other structural protective techniques.

Where floodproofing is used in lieu of elevation, a registered professional engineer is required to certify that the requirements of this Article have been met.

- C. *Enclosures:* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exits of floodwaters. Enclosures may only be used for parking of vehicles, building access, or limited storage.

Designs for meeting this requirement must either be certified by a registered engineer or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

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- D. **Manufactured Homes:** No new or replacement manufactured homes, parks, or subdivisions shall be placed within a Special Flood Hazard Area.

For expansion to existing manufactured home parks and subdivisions located outside the SFHA; and for manufactured homes not placed in a manufactured home park or subdivision and located outside the SFHA the following shall apply:

1. Stands or lots shall be elevated on compacted fill or on piers so that the lowest floor elevation (or finished floor) of the manufactured home shall be a minimum of three (3) feet above the FEMA FIRM 100-year (1% annual chance) BFE that utilizes existing land use conditions. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement with certification by a registered professional engineer that the improvements will not increase flood flows, heights, or damages. Specific requirements for anchoring shall be per Administrative Rules for the Texas Department of Housing and Community Affairs 10 Texas Administrative Code Chapter 80.
2. Adequate surface drainage and access for a hauler shall be provided.
3. For elevations on piers, footings shall be placed in firm, undisturbed soil or compacted fill. Footings and piers shall be designed according to the Texas Department of Housing and Community Affairs 10 Texas Administrative Code Chapter 80.

- E. Recreation Vehicles shall not be parked within a Special Flood Hazard Area.

### SECTION 19 - STANDARDS FOR SUBDIVISIONS, INCLUDING MANUFACTURED HOME PARKS OR SUBDIVISIONS

15.19.1 All subdivision proposals shall be consistent with the provisions of this Article.

15.19.2 All proposals for the development of subdivisions shall meet the Floodplain Development Permit requirements of this Article. All such proposals shall be consistent with the need to minimize flood damage within the flood-prone area.

15.19.3 Base flood elevation data shall be generated for subdivision proposals and other proposed development, which is greater than one (1) acre, if not otherwise provided pursuant to [Section 15.6](#) or [Section 15.15.2](#) of this Article.

15.19.4 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

15.19.5 All subdivision proposals shall have public utilities and facilities such as wastewater, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

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### SECTION 20 - STANDARDS FOR STREETS, DRAINAGE, AND UTILITIES

- 15.20.1 The finished elevation of proposed streets shall be no less than two (2) feet above the FEMA FIRM regulatory 100-year (1% annual chance) base flood elevation.
- 15.20.2 Where necessary, profiles and elevations of streets may be required to determine compliance with this requirement.
- 15.20.3 Storm drainage facilities shall be designed to convey the flow of surface waters without causing damage to persons or property.
- 15.20.4 The system shall assure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.
- 15.20.5 Drainage plans shall be consistent with local and regional drainage plans.
- 15.20.6 The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- 15.20.7 Sewage disposal facilities requiring soil absorption systems are prohibited where such systems will not function due to high groundwater, flooding, or unsuitable soil characteristics.
- 15.20.8 Restrictions on a plat or deed may be required noting that soil absorption fields are prohibited in designated areas.
- 15.20.9 If a wastewater system is located on or near the proposed development, connection to this system may be required where practical.
- 15.20.10 All manholes located in floodplains shall be of watertight construction with sealed manhole lids.
- 15.20.11 An air pressure test or similar testing method may be required to verify the water tightness of the wastewater system in the floodplain.
- 15.20.12 All water systems, whether public or private, which are located in flood-prone areas, shall be floodproofed to above the lowest floor elevation.
- 15.20.13 Connection to an existing public water supply system may be required if practical.
- 15.20.14 All other utilities, such as gas and electric lines, shall be located and constructed so as to minimize or eliminate flood damage.

### SECTION 21 - LEVEE SYSTEMS AND FLOOD RELIEF CHANNELS

- 15.21.1 The levee policy as issued by the Federal Emergency Management Agency (FEMA) and as it may be amended from time to time, is hereby adopted by reference and declared to be a part of this Article. A copy will be kept in the office of the Floodplain Administrator.

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15.21.2 The owner of any levee system or flood relief channel within the City shall submit a manual of operation and maintenance to the Floodplain Administrator for approval. No levee system or flood relief channel shall be operated in the City without such approval.

- B. Such manual shall delineate the maintenance procedures to be undertaken on the levee or flood relief channel itself together with the over bank area, as well as the procedures for the operation and maintenance of closure structures and pumping facilities, and all such procedures delineated shall meet or exceed such requirements as now exist or may in the future be imposed by the Federal Emergency Management Agency (FEMA).
- C. On or prior to January 31<sup>st</sup> of each year, the owner of any levee system or flood relief channel in the City shall submit to the Floodplain Administrator a report, which states in detail the operation and maintenance procedures which were accomplished in the preceding year. Upon review of the report, the Floodplain Administrator may order such other additional action by the owners as may be reasonably necessary for the protection of the public health, safety, and welfare and may set a reasonable time for completion of said action. Failure by the owner to comply with any such order shall constitute an offense.
- D. Prior to approval by the Floodplain Administrator of any operation and maintenance manual, the owner shall enter into an agreement with the City whereby the owner shall bind himself/herself and subsequent owners and assigns of the levee system or flood relief channel to perform the operation and maintenance of the levee system or flood relief channel in accordance with the provisions of this Section. The contract provided herein shall be prepared in a form sufficient to be recorded in the records of the clerk of the county in which the levee is located.
- E. In the event that the owner fails to maintain or operate the private levee system or flood relief channel in accordance with the approved operation and maintenance manual or fails to take action as may be ordered by the Floodplain Administrator, the City as herein provided, shall by contract or otherwise perform such maintenance, operation or other action as may be required, and shall assess the cost thereof, including all administrative and legal costs against the owner, and all such amount shall be secured by a privileged lien upon the property. This remedy shall be cumulative of any other remedy provided in this chapter.

### SECTION 22 - TRINITY RIVER CORRIDOR DEVELOPMENT CERTIFICATE (CDC)

#### 15.22.1 Testament of Purpose

The City of Grand Prairie participates in the Trinity River Corridor Development Certificate (CDC) process that is coordinated through the North Central Texas Council of Governments (NCTCOG) to stabilize flood risk along the Trinity River. The CDC process allows for development within the Trinity River Corridor while ensuring that the development does not raise floodwater levels or reduce flood storage capacity. The City of Grand Prairie retains ultimate control over floodplain permitting decisions within our jurisdiction while allowing our neighboring communities and agencies the opportunity to review and provide comment on projects along the Trinity River corridor.

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### 15.22.2 Definitions

**CDC Model:** The official HEC-RAS computer model for the Upper Trinity River study area. The U.S. Army Corps of Engineers maintains and updates the model.

**Corridor Development Certificate (CDC):** The permit issued by the City prior to development within the Regulatory Zone of the Trinity River Corridor.

**Corridor Development Certificate Manual:** The document published by NCTCOG that provides information on the CDC process, including the CDC application.

**Development:** Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, clearing, paving, excavating, drilling operations, or storage of equipment or materials. This also includes any levee or other improvement defined by the Texas Commission on Environmental Quality (TCEQ).

**North Central Texas Council of Governments (NCTCOG):** Voluntary association of, by and for local governments, established to assist local governments in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development.

**Regulatory Zone:** The area within the Trinity River Corridor as defined by the current City-approved 100-year (1% annual chance) floodplain based upon fully developed conditions.

**Standard Project Flood (SPF):** The flood that may be expected from the most severe combination of meteorological and hydrologic conditions that are considered to be reasonably characteristic of the region. The flood usually has a 0.30 to 0.08 percent chance of being equaled or exceeded in any given year. The SPF for the Trinity River Corridor is commonly equated to an 800-year storm frequency.

**Trinity River Corridor:** The area defined by the bed and banks of the Trinity River and the adjacent river floodplains, including Mountain Creek, within the City of Grand Prairie.

### 15.22.3 The Current Edition Corridor Development Certificate Manual Adopted

The current edition of the Corridor Development Certificate Manual is adopted as the standard for development within the Trinity River Corridor and is incorporated herein by reference. The current manual and application can be downloaded from the NCTCOG website.

### 15.22.4 CDC Application

The property owner must contact the City's Floodplain Administrator to request the most current CDC model. The CDC application can be submitted to the City at the same time as the FDP application. The City will not approve any fill activity in the floodplain until the CDC and FDP applications have been reviewed and signed by the City.

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The property owner must prepare and submit to the City a CDC application, including the most recent USACE-provided CDC model. The appropriate CDC recovery fee must also be provided

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with the application. The City may require an additional third-party review fee depending on the complexity of the proposed project.

### 15.22.5 Review of CDC Application; Approval; Denial of Approval

The Floodplain Administrator shall be responsible for the review of an application for a Corridor Development Certificate. After the City completes its review and is satisfied with the application, the City will forward the application and supporting documentation to the CDC participating entities. The CDC participating entities are allowed 30 days to review applications and provide comments. USACE has 30 days to review the application after it has received the application and its portion of the recovery fee. When the CDC process is complete, the City shall issue the Final CDC Action/Findings Form to the property owner. If the CDC is granted, the owner has three years from the date of the Final CDC Action/Findings Form to complete the project. If the project cannot be completed by the deadline, the owner may submit to the City's Floodplain Administrator a CDC extension request for consideration.

### 15.22.6 CDC Exemptions and Variances

A property owner may request an exemption or variance to the CDC process as described in the CDC Manual. When requesting an exemption, Part 1 of the CDC application form must be completed and submitted to the City. A property owner submitting a request for a variance must submit a complete CDC application with Parts 1 and 2 completed and an explanation for the requested variance. Exemptions and variances are still reviewed by the CDC participating communities.

### 15.22.7 CDC Enforcement

#### A. Violations

1. A person commits a ~~violation~~ an offense by commencing development within the Trinity River Corridor without first ~~submitting~~ obtaining a CDC ~~permit application~~ permit ~~and obtaining documentation from the City granting a Corridor Development Certificate.~~
2. A person who commences development within the Trinity River Corridor without first obtaining a CDC permit from the City commits an offense by failing to return the property to its original or previous condition.

#### B. Penalties ~~Restoration~~

A person who commits a violation of any provision of the CDC process shall be required to return the property to its previous or original condition or to go through the CDC process and make any required accommodations that result from the CDC process.

## SECTION 23 - VARIANCE PROCEDURES

15.23.1 The Appeal Board (Zoning Board of Adjustment), as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance.

15.23.2 The Appeal Board (Zoning Board of Adjustment) shall hear and render judgment on an appeal

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only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

15.23.3 Any person or persons aggrieved by the decision of the Appeal Board (Zoning Board of Adjustment) may appeal such decision in the courts of competent jurisdiction.

15.23.4 The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

15.23.5 Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Texas Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

15.23.6 Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in [Section 15.15.3](#) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

15.23.7 Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board (Zoning Board of Adjustment) may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance ([Section 15.3](#)).

15.23.8 Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

15.23.9 Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

15.23.10 Granting of a variance by Zoning Board of Adjustment or City Council can negatively affect the City's Community Rating System (CRS) score.

15.23.11 *Prerequisites for granting variances:*

A. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

B. Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

C. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base

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flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- D. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in [Section 23](#) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

### SECTION 24 - ENFORCEMENT

#### 15.24.1 Violations

- A. A person commits ~~a violation~~ an offense by commencing development within a SFHA or floodplain without first ~~submitting~~ obtaining a FDP application and a CDC application, ~~if applicable, and obtaining documentation~~ floodplain development permit from the City. ~~granting permission to perform said work.~~
- B. A person who commences development within a SFHA or floodplain without first obtaining a floodplain development permit from the City commits an offense by failing to return the property to its original or previous condition.

#### 15.24.2 Penalties Restoration

A person who commits a violation of any provision of this Article shall be required to return the property to its previous or original condition or to go through the required floodplain permitting process and make any required accommodations that result from said processes.

### SECTION 25 - SEVERABILITY

- 15.25.1 If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

### SECTION 26 - PENALTIES FOR NONCOMPLIANCE

- 15.26.1 Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined in accordance with Section 1-8, City of Grand Prairie Code of Ordinances, for each violation, and in addition shall pay all costs and expenses involved in the case. Section 1-8 states that each day any violation of the Code or any other City ordinance continues shall constitute a separate offense. Nothing herein contained shall prevent the City of Grand Prairie from taking such other lawful action as is necessary to prevent or remedy any violation.

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## SECTION 27 - CERTIFICATION OF ADOPTION

APPROVED: \_\_\_\_\_  
(Community Official)

PASSED: \_\_\_\_\_  
(Adoption Date)

ORDINANCE BECOMES EFFECTIVE: \_\_\_\_\_  
(5 Days After Publication)

I, the undersigned, Tom Hart do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the Grand Prairie City Council, at a regular meeting duly convened on \_\_\_\_\_.  
(Meeting Date)

\_\_\_\_\_  
{Signature of Certifying Official}

{SEAL}