
City Council Regular Meeting

DEPARTMENT: Public Works

FROM: Errick Thompson, P.E., Deputy Public Works Director

MEETING: September 5, 2023

SUBJECT:

Consider approval of an ordinance amending Article III “Flood Damage Prevention” of Chapter 42 “Floods” of the City of Burleson Code of Ordinances. (*First Reading*) (*Staff Presenter: Errick Thompson, Deputy Public Works Director*)

SUMMARY:

The original Flood Ordinance (B-154) was adopted on November 23, 1971. There have been several amendments, and the last amendment was in October 2008. The City is a member of the National Flood Insurance Program (NFIP), making the City eligible for federal assistance in the event a disaster is declared for Johnson or Tarrant County. The City’s membership also enables individual Burleson property owners to purchase flood insurance.

The Federal Emergency Management Agency (FEMA) recently completed revisions to the countywide Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for Johnson and Tarrant Counties, including the incorporated areas. FEMA requires that the City adopt the updated FIS report and FIRM by September 21, 2023. If they are not adopted, the City’s membership in the NFIP may be suspended.

Staff is proposing minor updates to the ordinance to provide clear direction for developing within the FEMA regulated floodplain. Several text amendments are proposed to align the City’s ordinance with the Texas Water Development Board’s (TWDB’s) current model ordinance. The TWDB and FEMA require that our proposed ordinance be submitted for review prior to presenting to the City Council to ensure that our proposed ordinance is at least as stringent as their model ordinance if we are not adopting their model ordinance. Both entities have reviewed and approved the proposed ordinance amendment. A copy of the final approved ordinance is required to be submitted to TWDB and FEMA following City Council approval.

Current City policy requires property owners to evaluate the impacts of their proposed development against the City’s Master Drainage Study (MDS). The MDS models are based on fully developed flows using the City’s future land use map and anticipated growth in the area. In addition, proposed developments are not allowed to increase the water surface elevation within the City’s MDS nor increase the floodplain boundary on adjacent neighboring properties. The

proposed ordinance amendment includes language to clearly convey these requirements to property owners and the development community.

Staff recommends the following changes to Chapter 42, Floods as shown in the corresponding exhibit:

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| 1. Section 42-34 (Definitions) | Added definitions for “adverse impacts” and “fully developed” |
| 2. Section 42-42 (Basis for establishing areas of special flood hazards; maps) | <p>Updated language to adopt the recently updated Flood Insurance Study (FIS) with accompanying Flood Insurance Rate Maps (FIRM) for Johnson and Tarrant Counties and incorporated areas</p> <p>Added language adopting the City’s most recent master drainage study models and the resulting floodplain areas for the purposes of regulating adverse impacts and establishing fully developed flood elevations</p> |
| 3. Section 42-43 (Letters of map revision) | Deleted – language included in Section 42-42 that any revisions thereto are adopted by reference and automatically become part of the ordinance |
| 4. Section 42-61 (Floodplain administrator) | Added language restricting new construction, substantial improvements, or other development (including fill) from increasing the base flood elevation or fully developed water surface elevation more than 0.0 feet |
| 5. Section 42-92 (Specific standards) | <p>Deleted “whichever is higher” in provision 1 , 2, and 4.c.1</p> <p>Added “on separate walls” in provision 3a</p> |
| 6. Section 42-94 (Standards for areas of shallow flooding (AO/AH zones)) | Deleted “whichever is higher” in provision 2.b |
| 7. Section 42-96 (Severability) | Added a severability clause |

OPTIONS:

- 1) Approve an ordinance amending Chapter 42, Floods; finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date (*First Reading*).

- 2) Deny an ordinance amending Chapter 42, Floods; finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date (*First Reading*).

RECOMMENDATION:

Approve an ordinance amending Chapter 42, Floods; finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date (*First Reading*).

PRIOR ACTION/INPUT (Council, Boards, Citizens):

None

STAFF CONTACT:

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