

ORDINANCE NO. 3982



AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERS BRANCH, TEXAS, BY AMENDING THE CITY'S FLOOD DAMAGE PREVENTION REGULATIONS BY AMENDING ARTICLE II ("FLOOD DAMAGE PREVENTION") OF CHAPTER 42 ("BUILDING REGULATIONS") TO AMEND SECTION 42.31 REVISING DEFINITIONS OF TERMS, TO AMEND SECTION 42-41, REVISING PROVISIONS RELATING TO THE REMOVAL OF LAND FROM AREAS OF SPECIAL FLOOD HAZARD, TO AMEND SECTION 42-63 TO REQUIRE FLOODPLAIN DEVELOPMENT PERMITS, TO AMEND SECTION 42-64 REVISING PERMITTING PROCEDURES FOR FLOODPLAIN DEVELOPMENT PERMITS, TO ADD SECTION 42-66 TO DESCRIBE VIOLATIONS, TO ADD SECTION 42-67 TO AUTHORIZE STOP WORK ORDERS, TO ADD SECTION 42-68 IMPOSING PENALTIES, AND TO AMEND SUBSECTION (4) OF SECTION 42-81 TO REQUIRE NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS TO BE CONSTRUCTED WITH FACILITIES ELEVATED AT LEAST ONE FOOT ABOVE THE BASE FLOOD ELECTION; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature and the Constitution of the State of Texas have conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of the City and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, the City was accepted for participation in the National Flood Insurance Program and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the City is authorized by law to adopt, administer, and enforce the building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the City Council of the City of Farmers Branch, Texas, finds and determines that amendments to the City’s flood damage prevention regulations are needed to update and provide clarification to existing regulations, to revise regulations to improve protection against flood damage, and to protect the public health and safety, and that the amendments herein are in the interests of public health and safety and the best interest of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1: The Code of Ordinances, City of Farmers Branch, Texas, be and is hereby amended to amend Section 42-31 (“Definitions”) of Division 1 (“Generally”) of Article II (“Flood Damage Prevention”) of Chapter 42 (“Floods”), by adding or revising the definitions of “Area of special flood hazard,” “Base flood,” “Base flood elevation,” “Existing manufactured home park or subdivision,” “Expansion to an existing manufactured home park or subdivision,” “Floodplain development permit,” “Floodproofing,” “Floodway,” “Historic structure,” “Manufactured home park or subdivision,” “Substantial damage,” “Substantial improvement,” “Violation,” and “Water surface elevation,” such that the foregoing definitions in Section 42-31 shall read as follows:

**“CHAPTER 42
FLOODS**

...

**ARTICLE II
FLOOD DAMAGE PREVENTION**

DIVISION 1. - GENERALLY.

Sec. 42-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Area of special flood hazard is the land in the floodplain within a community subject to a 1-percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V. For purposes of these regulations, the term “special flood hazard area” (SFHA) is synonymous in meaning with the phrase “area of special flood hazard.”

...

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

...

Base flood elevation (BFE) is the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V, V1-V30 or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year - also called the base flood.

...

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured 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 before the effective date of the floodplain management regulations adopted by a community.

...

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured 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).

...

Floodplain development permit means the permit required by this article for improvements within a special flood hazard area and within an area of controlled flood protection. The phrase Floodplain development permit, when used in this article, is synonymous with the phrase "fill permit."

...

Floodproofing means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

...

Floodway means 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. The term "floodway" is also referred to in this article as "Regulatory Floodway."

...

Historic structure means any structure that is:

- (a) 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;
- (b) 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 to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (d) Individually listed on a city inventory of historic places under a city historic preservation program that have been certified either:
 - (1) by an approved state program as determined by the Secretary of the Interior or
 - (2) directly by the Secretary of the Interior in states without approved programs.

...

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

...

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

...

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred Substantial Damage, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the city's code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

...

Violation means the failure of a structure or other development to be fully compliant with these floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this

article or required in 44 CFR §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 means 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 coastal or riverine areas.

...”

SECTION 2: The Code of Ordinances, City of Farmers Branch, Texas, be and is hereby amended to amend Section 42-41 (“Removal of Lands from Areas of Special Flood Hazard”) of Division 1 (“Generally”) of Article II (“Flood Damage Prevention”) of Chapter 42 (“Floods”), by replacing Section 42-41 with new provisions, to read in its entirety as follows:

“CHAPTER 42 FLOODS

...

ARTICLE II FLOOD DAMAGE PREVENTION

DIVISION 1. - GENERALLY.

...

Sec. 42-41. - Removal of lands from areas of special flood hazard.

- (a) The limits of an area of special flood hazard may be reduced if the potential for flood damage is reduced to the extent required by the Federal Emergency Management Agency (FEMA) and other governing agencies. A change in limits shall be accomplished by the person desiring such change furnishing either:
 - (1) Engineering evidence that the property is not subject to flooding by the base flood; or
 - (2) Engineering plans and supportive hydrologic and hydraulic studies for improvements to change the limits of the area of special flood hazard.
- (b) The information shall be furnished to the local administrator. When it has been determined by the local administrator that the flood hazard has been alleviated, the information shall be submitted concurrently to the Federal Emergency Management Agency and other agencies for review and/or approval.
- (c) If the Federal Emergency Management Agency approves the information and plans furnished and the method of flood hazard alleviation, the limits of an area of special flood hazard may be revised as justified. Such change in limits shall occur after any required facilities have been provided in accordance with the approved plans.”

SECTION 3: The Code of Ordinances, City of Farmers Branch, Texas, be and is hereby amended to amend Section 42-63 (“Establishment of Fill Permit” of Division 2 (“Administration”) of Article II (“Flood Damage Prevention”) of Chapter 42 (“Floods”), by revising the heading of Section 42-63 to read, “Establishment of Floodplain Development Permit,” and by replacing Section 42-63 with new provisions, to read in its entirety as follows:

**“CHAPTER 42
FLOODS**

...

**ARTICLE II
FLOOD DAMAGE PREVENTION**

DIVISION 2. – ADMINISTRATION.

...

Sec. 42-63. – Establishment of floodplain development permit.

A floodplain development permit for any improvement within a special flood hazard area and within an area of controlled flood protection shall be required to ensure conformance with the provisions of this article.”

SECTION 4: The Code of Ordinances, City of Farmers Branch, Texas, be and is hereby amended to amend subsection (a) and to repeal subsection (e), renumbering succeeding subsections, of Section 42-64 (“Permit Procedures”) of Division 2 (“Administration”) of Article II (“Flood Damage Prevention”) of Chapter 42 (“Floods”), without amendment, repeal of change to other subsections of Section 42-64, such that Section 42-64 shall henceforth read in its entirety as follows:

**“CHAPTER 42
FLOODS**

...

**ARTICLE II
FLOOD DAMAGE PREVENTION**

DIVISION 2. - ADMINISTRATION.

...

Sec. 42-64. – Permit procedures.

(a) An applicant for a floodplain development permit shall submit an application to the city engineer. The application must be on a form approved by the city engineer, and

must be signed by the owner of the property or their duly authorized representative to be improved.

- (b) An applicant for a floodplain development permit shall request a preapplication conference with representatives from the engineering department.
- (c) At the preapplication conference, the city engineer shall determine what information is necessary for a complete evaluation of the proposed project, and may require the applicant to submit the necessary information including, but not limited to, the following:
 - (1) Vicinity map and overall map of project area.
 - (2) Improvement plan to scale showing dimensions and elevations of proposed and existing improvements and relationship to existing and proposed special flood hazard areas.
 - (3) Acreage figures for the entire tract, the area located in the special flood hazard area, and the area proposed to be removed from the special flood hazard area.
 - (4) Hydrologic and hydraulic analyses.
 - (5) Water surface profiles.
 - (6) Plotted cross sections.
 - (7) Erosion control and/or sedimentation control plan.
 - (8) Landscape plan.

All of the submittal information must be performed by a registered professional engineer in the state with the seal of the engineer affixed with signature to the same submittal.

- (d) Approval or denial of a permit by the city engineer shall be based on all of the provisions of this article and the following relevant factors:
 - (1) The danger to life and property due to flooding or erosion damage.
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage and the effect of such damage on the individual owner.
 - (3) The danger that materials may be swept onto other lands to the injury of others.
 - (4) The compatibility of the proposed improvement with existing and anticipated development.
 - (5) The safety of access to and the provision of required parking for the property in times of flood for ordinary and emergency vehicles.
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities.
 - (7) 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.
 - (8) The relationship of the proposed use to the approved plan for that area.
 - (9) The preservation of wildlife and wetland areas that are so designated by the U.S. Army Corps of Engineers.
 - (10) The protection of significant stands of trees and vegetation.
- (e) After the improvement has been completed, the city engineer shall inspect the area to verify compliance with the approved application. No permits applicable to the improvement area lying within the special flood hazard area shall be issued by the city prior to inspection by the city engineer.”

SECTION 5: The Code of Ordinances, City of Farmers Branch, Texas, be and is hereby amended to amend Division 2 (“Administration”) of Article II (“Flood Damage Prevention”) of Chapter 42 (“Floods”), to add a new Section 42-66, to be entitled “Violations,” said section 42-66 to read in its entirety as follows:

**“CHAPTER 42
FLOODS**

. . .

**ARTICLE II
FLOOD DAMAGE PREVENTION**

DIVISION 2. - ADMINISTRATION.

. . .

Sec. 42-66. – Violations.

- (a) No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations.
- (b) The regulatory authority or designee shall serve a written notice of violation upon any person who is found to have violated, or who continues to violate, any provision of this article, or any order issued hereunder.
- (c) Not later than seven days after the issuance of a notice of violation served pursuant to this section, the person served with the notice of violation shall submit to the regulatory authority an explanation of the circumstances that resulted in the described violation and a plan for the satisfactory correction and prevention of reoccurrence of the described violation, within which the explanation shall include specific actions to be taken by the alleged violator.
- (d) If the recipient of a notice of violation denies that any violation of this article has occurred or contends that no corrective action is necessary, such person shall submit to the regulatory authority a written explanation of the basis of any such denial or contention no later than seven days following issuance of the notice of violation.
- (e) Submission of a written plan or explanation as provided herein shall not be a defense to any alleged liability for any violations occurring before or after receipt of the notice of violation.
- (f) Nothing in this section shall limit the authority of the regulatory authority to take any action, including emergency action or any other enforcement action, prior to issuing a notice of violation.”

SECTION 6: The Code of Ordinances, City of Farmers Branch, Texas, be and is hereby amended to amend Division 2 (“Administration”) of Article II (“Flood Damage Prevention”) of Chapter 42 (“Floods”), to add a new Section 42-67, to be entitled “Stop Work Order,” said section 42-67 to read in its entirety as follows:

**“CHAPTER 42
FLOODS**

...

**ARTICLE II
FLOOD DAMAGE PREVENTION**

DIVISION 2. - ADMINISTRATION.

...

Sec. 42-67. – Stop work order.

- (a) The regulatory authority shall have the authority to issue a stop work order to the owner, operator or person in control of a construction site upon finding that the owner, operator or person has violated, or continues to violate, any provision of this article, which order shall be posted at the construction site.
- (b) Unless written exception is made by the regulatory authority, a stop work order issued pursuant to this section shall prohibit any further construction activity and shall bar any further inspection or approval by the city associated with a building permit, grading permit, subdivision plat approval, site development plan approval, or any other city approval necessary to commence or continue construction or to assume occupancy at the construction site, new development, or redevelopment.
- (c) The issuance of a stop work order pursuant to this section shall not preclude nor serve as a prerequisite for taking any other action by the regulatory authority against the recipient of the stop work order.
- (d) A stop work order issued pursuant to this section may be rescinded only by the regulatory authority, provided that the owner, operator or person in control of the construction site to which the order applies has:
 - (1) Paid a re-inspection fee to the city in accordance with the current fee schedule in Appendix A of this code;
 - (2) Provided written documentation indicating that all violations set forth in the stop work order have been corrected; and
 - (3) Received from the city, following reinspection, written acknowledgement that all violations have in fact been corrected.”

SECTION 7: The Code of Ordinances, City of Farmers Branch, Texas, be and is hereby amended to amend Division 2 (“Administration”) of Article II (“Flood Damage Prevention”) of Chapter 42 (“Floods”), to add a new Section 42-68, to be entitled “Penalty Clause,” said section 42-68 to read in its entirety as follows:

**“CHAPTER 42
FLOODS**

...

**ARTICLE II
FLOOD DAMAGE PREVENTION**

DIVISION 2. - ADMINISTRATION.

...

Sec. 42-68. – Penalty clause.

- (a) Any person, firm, or corporation violating any of the provisions or terms of this article shall, upon conviction, be punished by a fine not to exceed the sum of \$2,000.00 for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.
- (b) Unless otherwise expressly provided for in this article, no intent need be pleaded nor proven in the prosecution of an offense under this article, and a person in violation shall be strictly liable, regardless of intent.
- (c) The regulatory authority may institute any appropriate actions or proceeding in a court of competent jurisdiction to enjoin a violation of this article. Nothing in this article shall preclude the city from seeking any injunctive or other relief allowed by state law even if a criminal charge has been filed based on the same incident or event. The remedies provided herein are cumulative.”

SECTION 8: The Code of Ordinances, City of Farmers Branch, Texas, be and is hereby amended to amend subsection (4) of Section 42-81 (“General Standards”) of Division 3 (“Flood Hazard Reduction”) of Article II (“Flood Damage Prevention”) of Chapter 42 (“Floods”), without amendment, repeal of change to other subsections of Section 42-81, such that subsection (4) of Section 42-81 shall henceforth read in its entirety as follows:

“CHAPTER 42 FLOODS

...

ARTICLE II FLOOD DAMAGE PREVENTION

DIVISION 3. – FLOOD HAZARD REDUCTION.

...

Sec. 42-81. – General standards.

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

...

- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service

facilities that are designed and/or located so as to be elevated to one foot (minimum) above the base flood elevation;

...”

SECTION 9. All provisions of the Ordinances of the City of Farmers Branch, Texas, in conflict with the provisions of this ordinance be and are hereby repealed and all other provisions of the ordinances of the City of Farmers Branch, Texas, not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 10. An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 11. Should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance or the Code of Ordinances, as amended hereby, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance or the Code of Ordinances as a whole, or any part or provision thereof, other than the part declared to be invalid, illegal, or unconstitutional.

SECTION 12. Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to a penalty by fine not to exceed two thousand dollars (\$2,000.00) for each offense, and each and every day such violation continues or is allowed to exist shall constitute a separate offense.

SECTION 13. This ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and Charter in such cases provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 20TH DAY OF JANUARY, 2026.

APPROVED:

Terry Lynne, Mayor

ATTEST:

Erin Flores, City Secretary

APPROVED AS TO FORM:

David Berman, City Attorney
(DB 12.13.25)