

An Ordinance of the City of Plano, Texas, adding Section 16-160, Purpose, of Division 1, Generally, of Article VIII, Flood Damage Prevention, and amending Section 16-175, General Standards, and Subsection 4 of Section 16-176, Specific Standards, of Division 3, Flood Hazard Reduction, of Article VIII, Flood Damage Prevention, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano, Texas to add the purposes of the regulation and increase the minimum elevation above the base flood elevation for construction or substantial improvement to two feet above the base flood elevation, including for manufactured homes in certain zones; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.

WHEREAS, on April 27, 2009, this Section 16-175 was adopted by Ordinance No. 2009-4-20 and on May 8, 2017, was amended by Ordinance No. 2017-5-3; and

WHEREAS, the City of Plano participates in the Community Rating System (CRS) program which is a subset of the National Flood Insurance Program (NFIP). It is a voluntary incentive program, which recognizes and encourages community floodplain management activities which exceed the minimum NFIP requirements; and

WHEREAS, the City of Plano currently has a CRS ranking of a Class 8 which qualifies residents for a 10% discount on flood insurance premiums for properties in the Special Flood Hazard Area (SFHA); and

WHEREAS, for those cities that participate in the CRS program, come January 1, 2021, cities must adopt and enforce at least a 1-foot freeboard requirement (including equipment or mechanical items) for all residential buildings constructed, substantially improved, or reconstructed due to substantial damage, throughout its SFHA where base flood elevations have been determined on the Flood Insurance Rate Map (FIRM) in the Flood Insurance Study (FIS) in order to qualify for a Class 8 rating; and

WHEREAS, based on a review of our current Flood Damage Prevention Ordinance by a CRS Specialist, revisions to our Flood Damage Prevention Ordinance were recommended; and

WHEREAS, the City Council of the City of Plano is of the opinion that this ordinance amendment will promote the public health, safety and general welfare and minimize public and private flood losses; and

WHEREAS, the City Council finds it is in the public interest to add Section 16-160, Purpose, of Division 1, Generally, of Article VIII, Flood Damage Prevention, and amend Section 16-175, General Standards, and Subsection 4 of Section 16-176, Specific Standards, of Division 3, Flood Hazard Reduction, of Article VIII, Flood Damage Prevention, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano, Texas to add the purposes of the regulation and increase the minimum elevation above the base flood elevation for construction or substantial improvement to two feet above the base flood elevation as described below.

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

Section I. In the interest of public health, safety and general welfare, Section 16-160, Purpose, of Division 1, Generally, of Article VIII, Flood Damage Prevention is hereby added and Section 16-175, General Standards, and Subsection 4 of Section 16-176, Specific Standards of Division 3, Flood Hazard Reduction, of Article VIII, Flood Damage Prevention, of Chapter 16, Planning and Development of the Code of Ordinances, City of Plano, Texas, is hereby amended to read as follows:

“Sec. 16-160. - Purpose.

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) 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
- (7) Insure that potential buyers are notified that property is in a flood area.”

“Sec. 16-175. - General standards.

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

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed, designed or located at a minimum elevation of two (2) feet above the base flood elevation, including electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding."

Section 16-176. - Specific standards.

- "(4) Manufactured homes.
 - a. Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to two (2) feet above the base flood elevation, including electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities."

Section II. All provisions of the ordinances of the City of Plano, codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed. All other provisions of the Ordinances of the City of Plano, codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section III. It is the intention of the City Council that this Ordinance and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section IV. Any violation of the provisions or terms of this ordinance by any person, firm, or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section V. The repeal of any Ordinance or part of an Ordinance effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any Ordinances at the time of passage of this Ordinance.

Section VI. This Ordinance shall become effective from and after its passage and publication as required by law.

DULY PASSED AND APPROVED this 16th day of March, 2021.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY