

9-18-18

ORDINANCE NO. 30994

An ordinance amending Chapter 2, "Administration," Chapter 9B, "Building Security," Chapter 13, "Courts, Fines and Imprisonment," Chapter 19, "Health and Sanitation," Chapter 49, "Water and Wastewater," Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," and Chapter 51P, "Dallas Development Code: Planned Development District Regulations," by amending Article V-a, Section 2-51, Article VII-b, and Article XIX of Chapter 2, Article II of Chapter 9B, Section 13-8 of Chapter 13, Section 19-113 of Chapter 19, Section 49-18.5 of Chapter 49, Sections 51A-1.105, 51A-4.502, 51A-5.101, 51A-5.102, 51A-5.103, 51A-5.103.1, 51A-5.104, 51A-5.105, 51A-5.107, and 51A-8.611 of Chapter 51A, and Section PRE 51P-1.104 of 51P; creating a new Article V-f in Chapter 2; renaming certain departments; establishing a new department of equipment and fleet management; abolishing the department of Trinity watershed management; transferring certain functions from the department of equipment and building services to the department of equipment and fleet management and department of court and detention services; granting the director of water utilities the authority to issue permits to owners of property abutting water supply lakes or streams for the use of untreated water; transferring functions from the department of Trinity watershed management to the department of water utilities; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Article V-a, "Department of Equipment and Building Services," of Chapter 2, "Administration," of the Dallas City Code is amended to read as follows:

**"ARTICLE V-a.**

**DEPARTMENT OF [~~EQUIPMENT AND~~] BUILDING SERVICES.**



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(8) ~~Provide advice and assistance to all departments and agencies of the city government in the purchase of all automotive and heavy motor driven equipment to be used for municipal purposes.~~

(9) Perform such other duties as may be required by the city manager or by ordinance of the city council.”

SECTION 2. That Section 2-51, “Duties of the Director of Water Utilities,” of Article V-d, “Water Utilities Department,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

**“SEC. 2-51. DUTIES OF THE DIRECTOR OF WATER UTILITIES.**

The director of water utilities shall perform the following duties:

(1) Supervise the water, ~~and~~ wastewater ~~[waste]~~ (municipal and industrial), and storm drainage ~~[water collection]~~ systems, mains, pump stations, filtration plants, sanitary wastewater ~~[waste water]~~ treatment plants, reservoirs and all plants, properties, and appliances incident to the operation of the water, wastewater ~~and~~ (municipal and industrial), storm drainage ~~[waste water]~~ utilities of the city.

(2) Make recommendations to the city manager concerning the need for acquisition of additional water rights, appear before the Texas Commission on Environmental Quality ~~[Water Rights Commission]~~, legislative committees and such other bodies as may be necessary for the acquisition of water rights; negotiate with the proper departments of the federal and state governments for the maintenance and acquisition of additional water rights; plan and program a waterworks system for the future growth of the city; conduct negotiations with customer cities, other public entities and industries for the furnishing of raw water and treated water; conduct negotiations with customer cities, other public entities and industries for the furnishing of treated waste water for irrigation and industrial use; and conduct negotiations with federal, state, and local agencies for obtaining supplies of raw water.

(3) Make recommendations to the city manager concerning the need for expansion and improvements of the waste water collection and treatment system; and conduct negotiations with customer cities for the treatment of waste water.

(4) Make recommendation to the city manager concerning the need for expansion and improvements of the stormwater drainage system, floodplain and drainage management, and maintenance and repairs of the Dallas Floodway Levee System.

(5) Conduct negotiations with federal, state, and local agencies regarding wastewater and stormwater legislation and permitting.

(6) Make recommendations to the city manager as to rates and connection charges for the water utilities department necessary to defray the costs of proper maintenance, operation, expansion, and extension of the water or municipal and industrial waste water or

stormwater systems and facilities, treatment plants, reservoirs, appurtenances, facilities, and land owned and operated by the water utilities department.

(7[5]) Supervise and administer special collections.

(8) Provide for flood protection and education.

(9) Provide for the implementation of the Trinity River Corridor project.

(10[6]) Perform other duties as may be required by the city manager or by ordinance of the city council.”

SECTION 3. That Chapter 2, “Administration,” of the Dallas City Code is amended by adding a new Article V-f, “Department of Equipment and Fleet Management,” to read as follows:

**“ARTICLE V-f.**

**DEPARTMENT OF EQUIPMENT AND FLEET MANAGEMENT.**

**SEC[S]. 2-54. CREATED; DIRECTOR OF EQUIPMENT AND FLEET MANAGEMENT.**

There is hereby created the department of equipment and fleet management of the city of Dallas, at the head of which shall be the director of equipment and fleet management who shall be appointed by the city manager. The department will be composed of the director of equipment and fleet management and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

**SEC. 2-55. DUTIES OF THE DIRECTOR OF EQUIPMENT AND FLEET MANAGEMENT.**

The director of equipment and fleet management shall perform the following duties:

(1) Supervise and administer the department of equipment and fleet management.

(2) Maintain and repair all automotive and heavy motor-driven equipment owned by the city and used in municipal operations, except as otherwise provided by the city manager.

(3) Maintain an inventory control over all automotive and heavy motor-driven equipment and parts owned by the city, except as otherwise provided by the city manager, and make reports as may be required by the city manager.

(4) Control all automotive and heavy motor-driven equipment used for municipal purposes with the advice and assistance of the using department, except as otherwise provided by the city manager.

(5) Provide advice and assistance to all departments and agencies of the city government in the purchase of all automotive and heavy motor-drive equipment to be used for municipal purposes.

(6) Perform such other duties as may be required by the city manager or by ordinance of the city council.

**SECS. 2-56 THRU 2-60. RESERVED.”**

SECTION 4. That Article VII-b, “Department of Trinity Watershed Management,” of Chapter 2, “Administration,” of the Dallas City Code is amended to read as follows:

**“ARTICLE VII-b.**

**RESERVED.**     **[DEPARTMENT OF TRINITY WATERSHED MANAGEMENT.]**

**SECS. 2-75 THRU 2-75.1 RESERVED.**     **[CREATED; — DIRECTOR — OF — TRINITY WATERSHED MANAGEMENT.]**

~~There is hereby created the department of Trinity watershed management of the city, the head of which shall be the director of Trinity watershed management who shall be appointed by the city manager. The department shall be composed of the director of Trinity watershed management and such other assistants and employees as the city council may provide upon recommendation of the city manager.~~

**SEC. 2-75.1.**                     **DUTIES OF THE DIRECTOR OF TRINITY WATERSHED MANAGEMENT.**

~~The director of Trinity watershed management shall perform the following duties:~~

- ~~(1) Supervise and administer the department of Trinity watershed management.~~
- ~~(2) Perform floodplain and drainage management.~~
- ~~(3) Provide for maintenance and repair of the city’s river levees.~~
- ~~(4) Provide for flood protection and education.~~
- ~~(5) Provide for implementation of the Trinity River Corridor project.~~

(6) ~~Supervise the engineering and construction of the storm sewers and storm drainage systems, except when the work is associated with a paving project or being done by a private developer.~~

(7) ~~Perform such other duties as may be required by the city manager or by ordinance of the city council."~~

SECTION 5. That Article II, "Dallas Security Officers," of Chapter 9B, "Building Security," of the Dallas City Code is amended to read as follows:

**"ARTICLE II.**

**DALLAS SECURITY OFFICERS.**

**SEC. 9B-6. CREATED; DUTIES.**

(a) There is hereby created in the department of court and detention [~~equipment and building~~] services of the city, under the direction of the director of court and detention [~~equipment and building~~] services, personnel known as Dallas security officers, who shall be organized auxiliary units to the police department.

(b) Dallas security officers shall perform the following duties:

(1) maintain security and protection for premises and lawful occupants of premises that are owned, occupied, or managed by the city and ensure orderly and lawful conduct and activities on those premises; and

(2) [~~maintain security for preboard screening areas at Dallas Love Field Airport;~~

(3)] direct or regulate traffic in conformance with traffic laws on premises that are owned, occupied, or managed by the city, and on the main entrance and exit roadway in front of the Dallas Love Field terminal. [~~]; and~~

(4) ~~maintain security services and regulation of parking and traffic as may be provided for by contract between the city and the Dallas housing authority for the protection of the premises and the lawful occupants of premises that are owned, occupied, or managed by the Dallas housing authority and located within the city.]~~

**SEC. 9B-7. AUTHORITY.**

While at an assigned place of duty, a person employed as a Dallas security officer:

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- (1) is vested with the police power of arrest for violations of city ordinances and state laws, limited to situations arising out of enforcement of the officer's specific duties and further limited to the specific authority contained in the officer's warrant of appointment;
- (2) may carry and use a firearm when authorized by the director of court and detention [~~equipment and building~~] services; and
- (3) must be identified by uniform and badge.

**SEC. 9B-8. RETIREMENT ELIGIBILITY.**

Dallas security officers shall not be eligible for membership in the firemen, policemen and fire alarm operator's pension fund created pursuant to Article 6243a, Vernon's Texas Civil Statutes; however, they shall be eligible for membership in the employee's retirement fund of the city of Dallas.

**SEC. 9B-9. [~~SPECIAL COMMISSIONS;~~] SURVIVOR'S ASSISTANCE.**

~~[(a) Dallas security officers are designated as the airport security force for Dallas Love Field Airport in accordance with Article 46g, Vernon's Texas Civil Statutes. Upon being certified as qualified by the Commission on Law Enforcement Officer Standards and Education, each security officer is hereby commissioned as a peace officer in the airport security force. While on the property under the control of Dallas Love Field Airport or while in the actual scope of his duties as an airport security officer, a security officer who has been certified is vested with all the rights, privileges, obligations, and duties of any peace officer in this state.~~

(b) Dallas security officer shall be deemed members of an auxiliary unit with powers to make arrests, for the purpose of qualifying for survivor's assistance benefits under the provisions of Article 6228f, Vernon's Texas Civil Statutes."

SECTION 6. That Subsection (a) of Section 13-8, "Duties of the Municipal Clerk; Court Administrator and Director; Deputy Clerks," of Article II, "Municipal Court of Record," of Chapter 13, "Courts, Fines and Imprisonments," of the Dallas City Code is amended to read as follows:

"(a) The municipal clerk, who also holds the position of court administrator and director of the department of court and detention services, shall:

- (1) prepare and maintain accurate dockets and minutes for each municipal court of record division created under this article;
- (2) have custody of all documents and papers relating to the business of the municipal court of record divisions;

- (3) supervise the collection of fines imposed by the municipal court of record;
- (4) maintain complaints for all cases in the municipal court of record for which a complaint is required by law;
- (5) supervise the administration of arrest warrants; ~~and~~
- (6) supervise Dallas security officers providing security in and around all public buildings, except as otherwise provide by the city manager, the city charter, or ordinance or resolution of the city council, and
- (7) have all other powers and duties assigned to the municipal clerk by the city charter, other city ordinances, Chapter 30 of the Texas Government Code, or other state law.”

SECTION 7. That Subsection (a) of Section 19-113, “Specifications; Bids; Contract; Bond,” of Article VIII, “Drainage Districts,” of Chapter 19, “Health and Sanitation,” of the Dallas City Code is amended to read as follow:

“(a) At any time after the passage of the original resolution provided for in Section 19-104 by the city council, and more particularly at any time after a hearing is given as provided in Section 19-107 to the property owners and lienholders owning property in the drainage district created, the director of water utilities [~~Trinity watershed management~~] may submit specifications for the doing of work contemplated in such improvement, which specifications must in general terms set forth the nature and extent of the improvement or improvements to be made, the section or section to be improved, and the material or materials with which the improvements are to be constructed. Such specifications may provide, at the election of the city council, that such improvements may be constructed from different materials and may specify different or alternative methods of making such improvements. The director of water utilities [~~Trinity watershed management~~] shall make approximate estimates of the cost of improvements under the different methods desired to be employed.”

SECTION 8. That Subsection (c), “Commercial Contracts for Untreated Water,” of Section 49-18.5, “Rate for Untreated Water,” of Article II, “Rates, Charges and Collections,” of Chapter 49, “Water and Wastewater,” of the Dallas City Code is amended to read as follows:

“(c) Reservoir supply permits. The director may issue permits, without the necessity of council approval, to [~~authorize contracts with~~] owners of property abutting water supply lakes or streams for the domestic use of untreated water. [~~A contract under this subsection may not allow withdrawal of untreated water in excess of 10 acre feet per year.~~] A charge for water used will be made as provided in Subsection (a) or (b). The term of such permits



[~~contracts~~] may not exceed three years, but the permits [~~contracts~~] are renewable at the option of the city. An application for a permit [~~contract~~] or permit [~~contract~~] renewable under this subsection must be accompanied by a non-refundable processing fee of \$210.”

SECTION 9. That Subsection (d), “Commercial Contracts for Untreated Water,” of Section 49-18.5, “Rate for Untreated Water,” of Article II, “Rates, Charges and Collections,” of Chapter 49, “Water and Wastewater,” of the Dallas City Code is amended to read as follows:

“(d) Commercial contracts for untreated water.

(1) Short-term contracts. The director may authorize short-term contracts, without the necessity of council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. [~~A contract under this paragraph may not allow withdrawal of untreated water in excess of 10 acre feet per year.~~]A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may not exceed three years, but the contracts are renewable at the option of the city. An application for a short-term contract or contract renewable must be accompanied by a nonrefundable processing fee of \$225.

(2) Long-term contracts. The director may authorize long-term contracts, with council approval, with owners of property abutting water supply lakes or streams for the commercial use of untreated water. [~~A contract under this paragraph may allow withdrawal of untreated water in excess of 10 acre feet per year.~~]A charge for water used will be made as provided in Subsection (a) or (b). The term of such contracts may exceed three years, and are renewable at the option of the city. An application for a long-term contract or contract renewal must be accompanied by a nonrefundable processing fee of \$385.”

SECTION 10. That Paragraph (2) of Subsection (c), “Fees for Fill Permits for Removal of a Flood Plain Designation,” of Section 51A-1.105, “Fees,” of Article I, “General Provisions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(2) The applicant shall pay a filing fee to the director of water utilities [~~Trinity watershed management~~]. The director of water utilities [~~Trinity watershed management~~] shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.”

SECTION 11. That Paragraph (6), “Departmental Review,” of Subsection (e), “Site Plan Process,” of Section 51A-4.502, “Institutional Overlay District,” of Division 51A-4.500, “Overlay and Conservation District Regulations,” of Article IV, “Zoning Regulations,” of

Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

“(6) Departmental review. The director shall forward the information to the department of sustainable development and construction, public works, sanitation services, water utilities [~~Trinity watershed management~~] and code compliance, and to any other appropriate departments. Within 30 days following receipt of a completed application for site plan approval, or for a longer time agreed to by the applicant, the departments shall review the proposed development and forward their comments, if any, in writing to the director. Upon conclusion of the departmental review, the director shall forward to the commission the application for site plan approval and the written information provided by the departments.

(A) The directors of the departments of public works, transportation, [~~Trinity watershed management~~] and water utilities shall prepare a written statement evaluating the impact of the proposed institutional uses on public facilities including sewers, water utilities, and streets.

(B) The director of water utilities [~~Trinity watershed management~~] shall prepare a written statement describing any known drainage or topography problems.”

SECTION 12. That Paragraph (14) of Subsection (a), "Definitions," of Section 51A-5.101, "Definitions and Interpretations Applicable to Flood Plain Regulations," of Division 51A-5.100, "Flood Plain Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

“(14) FLOOD PLAIN OR FP ADMINISTRATOR means the director of water utilities [~~Trinity watershed management~~], who is responsible for administering the federal flood insurance program, or the director’s designated representative.”

SECTION 13. That Section 51A-5.102, "Designation or Removal of FP Areas," of Division 51A-5.100, "Flood Plain Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

**“SEC. 51A-5.102. DESIGNATION OR REMOVAL OF FP AREAS.**

(a) In general.

(1) A floodplain designation is not a zoning classification, but refers to a specific area subject to flooding.

(2) When this designation is noted by an “FP” prefix on the official zoning district map, the area designated is referred to in this article as an FP area.

(3) FP areas include those areas:

(A) identified as special flood hazards by FEMA in the:

(i) July 7, 2014 Dallas County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised,

(ii) September 26, 2008 Rockwall County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised,

(iii) June 7, 2017 Collin County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised,

(iv) April 18, 2011 Denton County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised,

(v) July 3, 2012 Kaufman County, Texas and incorporated areas flood insurance study, with accompanying flood insurance rate maps, as revised, and

(B) other areas that the director of water utilities [~~Trinity watershed management~~] has identified as risk areas.

(b) Initiation. The addition to or removal from the official zoning district map of an FP prefix may be initiated in the following ways:

(1) An owner of property located within an FP area may apply for the review of an FP designation based upon evidence of a mapping error provided by the owner.

(2) The director of water utilities [~~Trinity watershed management~~] may, upon his or her own initiative, review the status of an FP designation.

(3) An owner of property located within an FP area may apply for a fill permit and removal of the FP prefix by following the procedure outlined in Section 51A-5.105.

(c) Engineering studies. Hydraulic and hydrologic engineering studies or a field survey must support any changes to an FP designation. The director may require core borings as part of his or her investigations under this subsection.

(d) Decision on designation. The director of water utilities [~~Trinity watershed management~~] shall make a final decision on whether to add or remove an FP prefix on the official zoning district map only after the director determines that engineering studies support the change in the FP designation.

(e) Zoning map revision. The director of water utilities [~~Trinity watershed management~~] must notify the director of sustainable development and construction in writing that an FP prefix is to be removed from or added to the official zoning district map. The written notification must contain a description of the property affected and the reasons why the FP prefix is being changed. The director of water utilities [~~Trinity watershed management~~] shall keep a copy of the notification in a permanent file and send a copy of the notification to the city secretary, who shall keep the copy in a permanent file.

(f) Letter of Map Revision (LOMR). A letter of map revision from FEMA is required for removal of an FP prefix from the official zoning map if the area is designated as a flood hazard area on the FIRM.”

SECTION 14. That Subsection (b) of Section 51A-5.103, “Compliance in Undesignated Flood Plain Areas,” of Division 51A-5.100, “Flood Plain Regulations,” of Article V, “Flood Plain and Escarpment Zone Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(b) Alterations of the natural flood plain in areas with less than 130 acres must be approved by the director of water utilities [~~Trinity watershed management~~] for compliance with the Dallas Development Code and city drainage standards.”

SECTION 15. That Subsection (b) of Section 51A-5.103.1, “Vegetation Alteration in Flood Plain Prohibited,” of Division 51A-5.100, “Flood Plain Regulations,” of Article V, “Flood Plain and Escarpment Zone Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(b) It is a defense to prosecution under Subsection (a) if the act is:

(1) authorized in advance in writing by the director of water utilities [~~Trinity watershed management~~];

(2) in conformance with a landscape plan approved by the director of water utilities [~~Trinity watershed management~~];

(3) routine maintenance of vegetation such as trimming or cutting designed to maintain the healthy or attractive growth of the vegetation; or

(4) routine maintenance performed, required, or authorized by the city in order to maintain the floodwater conveyance capacity of the flood plain.”

SECTION 16. That Subsection (b), “Improvements Permitted,” of Section 51A-5.104, “Uses and Improvements Permitted,” of Division 51A-5.100, “Flood Plain Regulations,” of Article V, “Flood Plain and Escarpment Zone Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(b) Improvements permitted.

(1) Structures. A structure customarily associated with a use listed in Subsection (a) may be constructed within an FP area only if the director of water utilities [~~Trinity watershed management~~] determines that the proposed structure meets the same engineering requirements applicable to filing in Section 51A-5.105(g) and issues a flood plain alteration permit.

(2) Improvements. The owner of a structure in an FP area shall not make any improvements to the structure without first obtaining approval from the director of water utilities [~~Trinity watershed management~~]. The director of water utilities [~~Trinity watershed management~~] may approve proposed improvements if the cumulative value of all improvements for the previous ten years is less than 50 percent of the market or tax appraisal value of improvements on the property, whichever is greater. No substantial improvements are permitted. Any improvement must comply with the requirements of Section 51A-5.105(g).

(3) Completion of vested structures. The building official shall not withhold a final inspection or certificate of occupancy for a structure in an FP area if building permits for the structure were issued by the building official before FEMA’s FIRM becomes effective designation such areas as AA or AE, and the structure otherwise complies with all applicable requirements.

(4) Board of adjustment. The board of adjustment may grant a special exception to allow the reconstruction of a structure in an FP area upon a showing of good and sufficient cause, a determination that failure to allow the reconstruction would result in exceptional hardship to the property owner, and a determination that the reconstruction 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 other laws. The board may not grant a special exception to authorize reconstruction within any designated floodway if any increase in flood levels during the base flood discharge would result. Any special exception

granted must be the minimum necessary, considering the flood hazard, to afford relief. The reconstruction of a structure in an FP area may not increase the lot coverage of the structure.

(A) The director of water utilities [~~Trinity watershed management~~] shall notify in writing the owner of a structure in an FP area that:

(i) the granting of a special exception to reconstruct the structure below the base flood level will result in increased premium rates for flood insurance that will commensurate with the increased risk; and

(ii) the construction below the base flood level increases risks to life and property. The notification letter must be maintained with the record of the board's action.

(B) The FP administrator shall maintain a record of all actions involving applications for special exceptions and shall report special exceptions to FEMA upon request.

(5) Parking.

(A) Surface parking. All surface parking spaces must be constructed at a minimum elevation of two feet above the design flood elevation.

(B) Underground parking garages. The entrance elevation and any openings on underground parking garages constructed within or adjacent to a flood prone area may not be lower than two feet above the design flood elevation.

(C) Elm Fork, West Fork, and Trinity River flood plain. The minimum elevation requirements do not apply to parking in the flood plain of Elm Fork, West Fork, and main stem of the Trinity River.

(D) Storage in the flood plain prohibited.

(i) A person shall not place, store, or maintain a shipping container, trailer, boat, inoperable vehicle, or construction equipment in the flood plain. For purposes of this paragraph, the term "vehicle" includes but is not limited to automobiles, buses, and recreational vehicles. It is a defense to prosecution that the placement, storage, or maintenance of shipping containers, trailers, boats, inoperable vehicles, or construction equipment is otherwise permitted by or in connection with a valid federal, state, county, or city permit, or is otherwise authorized by those entities.

(ii) The director of water utilities [~~Trinity watershed management~~] shall give written notice and allow persons in violation of Subparagraph (i) a period of 180 days to come into compliance.

(6) Manufactured homes. Manufactured homes may not be placed in manufactured home parks, courts, or subdivisions within flood plain areas unless all of the following requirements are met:

(A) No manufactured home may be placed within a floodway.

(B) The manufactured home park, court, or subdivision where the manufactured home is to be placed must have been an existing development prior to March 16, 1983, the effective date of the original City of Dallas Flood Insurance Rate Map.

(C) All manufactured homes to be placed within a flood plain area in accordance with Subparagraph (B) must be installed using methods and practices that minimize flood damage.

(D) The lowest floor of a manufactured home must be elevated one foot above the design flood elevation, and the home must be anchored to resist flotation, collapse, or lateral movement. An acceptable method of anchoring includes but is not limited to the use of over-the-top frame ties to ground anchors. Applicable state anchoring requirements for resisting wind forces must be met. A registered land surveyor shall submit a certification to the director of water utilities [~~Trinity watershed management~~] stating that elevation requirements are satisfied.

(E) The manufactured home's chassis must be supported by reinforced piers or other foundation elements that are less than 36 inches in height above grade. The chassis must be securely anchored to a foundation system to resist flotation, collapse, and lateral movement.

(F) Enclosure of areas below the lowest floor of a manufactured home placed within an FP area must be designed to automatically equalize hydrostatic floor forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must be certified by a licensed professional engineer and satisfy the following criteria:

(i) At least two openings must be provided which have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

(ii) The bottom of all openings must be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater."

SECTION 17. That Section 51A-5.105, "Filling in the Flood Plain," of Article V, "Flood Plain and Escarpment Zone Regulations," of Division 51A-5.100, "Flood Plain Regulations," of

Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

**"SEC. 51A-5.105. FILLING IN THE FLOOD PLAIN.**

(a) Permit required.

(1) A person shall not deposit or store fill, place a structure, excavate, or engage in any other development activities in an FP area without first obtaining:

(A) a fill permit or an FP alteration permit from the director of water utilities [~~Trinity watershed management~~]; and

(B) all other permits required by county, state, and federal agencies.

(2) A fill permit allows the property to be developed at a specified elevation in compliance with this section.

(3) The director of water utilities [~~Trinity watershed management~~] shall maintain a record of all fill permits and FP alteration permits.

(b) Flood plain alteration permit. The director of water utilities [~~Trinity watershed management~~] may issue a flood plain alteration permit if he or she determines that:

(1) the alteration does not remove an FP designation; and

(2) the alteration complies with all applicable engineering requirements in Subsection (g).

(c) Initiation of fill permit process.

(1) Application. An applicant for a fill permit shall submit an application to the director of water utilities [~~Trinity watershed management~~] on a form approved by the director and signed by all owners of the property.

(2) Notification signs. Except as provided in Section 51A-5.105(f)(2), an applicant is responsible for obtaining the required number of notification signs and posting them on the property that is subject of the application. Notification signs must be obtained from the director of water utilities [~~Trinity watershed management~~] at the time the application is made.

(A) Number of signs required. For tracts of five acres or less, only one notification sign is required. An additional notification sign is required for each additional five acres or less, except that no applicant is required to obtain and post more than five notification signs on the property, regardless of its size.



(B) Posting of signs. The applicant shall post the required number of notification signs on the property at least 15 days before the date of the scheduled public hearing before the city council. The signs must be posted at a prominent location adjacent to a public street and be easily visible from the street.

(C) Failure to comply. If the city council determines that the applicant has failed to comply with the provisions of this section, it may postpone the public hearing.

(d) Preapplication conference.

(1) An applicant for a fill permit shall request a preapplication conference with representatives from the department of water utilities [~~Trinity watershed management~~].

(2) At the preapplication conference, the director of water utilities [~~Trinity watershed management~~] shall determine what information is necessary for a complete evaluation of the proposed fill project. The director may require the applicant to submit all necessary information, including, but not limited to the following:

(A) A vicinity map.

(B) The acreage figures for the entire tract, the area located in the flood plain, and the area proposed to be filled.

(C) A description of existing and proposed hydrologic and hydraulic analysis conducted.

(D) A landscape and erosion control plan. The landscape plan must comply with the Landscape and Tree Preservation Regulations in Article X of the Dallas Development Code, as amended.

(E) A table of values for analysis of the engineering criteria listed in Subsections (h)(1), (h)(2), and (h)(4).

(F) A water surface profile.

(G) A plan view showing existing and proposed contours and grading.

(H) Plotted cross-sections.

(I) An overall map of the project area.

(e) Filling to remove an FP designation.

(1) In general. This subsection applies to applications to remove an FP designation other than applications to remove an FP designation from an interior drainage area pursuant to Subsection (f).

(2) Review of application by departments.

(A) If the application is to remove an FP designation, the director of water utilities [~~Trinity watershed management~~] shall forward copies of the application to the director of sustainable development and construction, the chief planning officer, and the director of park and recreation for review.

(B) The director of sustainable development and construction, the chief planning officer, and the director of park and recreation shall review the application and advise the director of water utilities [~~Trinity watershed management~~] of the environmental impacts of the project. They shall also determine whether the applicant's property should be considered for public acquisition due to its ecological, scenic, historic or recreational value. The director of water utilities [~~Trinity watershed management~~] shall provide a report to the city council on each application regarding environmental impacts and public acquisition issues.

(3) Neighborhood meeting. The water utilities [~~Trinity watershed management~~] department shall schedule and conduct a neighborhood meeting on each application. The applicant or the applicant's representative must attend the neighborhood meeting. The director shall send written notice of the meeting to the applicant, to all owners of real property within 500 feet from the boundary of the subject property, and to persons and organizations on the early notification list on file with the department of sustainable development and construction. Measurements include the streets and alleys. The notice must be given not less than 10 days before the date set for the neighborhood meeting by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census.

(4) Notice and public hearing. After the neighborhood meeting, the director of water utilities [~~Trinity watershed management~~] shall schedule a public hearing on the application. The city secretary shall give notice of the public hearing in the official newspaper of the city at least 15 days before the date of the public hearing. The director shall also send written notice of the public hearing to the applicant, to all owners of real property within 500 feet from the boundary of the subject property, and to persons and organizations on the early notification list on file with the department of sustainable development and construction. Written notice must be given in the same manner required in Paragraph (2) for the neighborhood meeting.

(5) Decision on application.

(A) After notice and a public hearing in compliance with Paragraph (3), the city council shall approve or deny the application for a fill permit. The city council may only deny an application if:

51A-5.105(g); or

(i) the application does not meet the requirements of Section 51A-5.105(g); or

(ii) the city council has, by resolution, authorized acquisition of the property under the laws of eminent domain, and denial of the application is necessary to preserve the status quo until the property is acquired.

(B) In connection with its approval of a fill permit, the city council may grant a variance to the requirements of Subsection (h) if the variance will not violate any provision of federal or state law or endanger life or property.

(C) If the city council approves a fill permit application, the FP designation for the filled area may be removed from the official zoning district map upon compliance by the applicant with the specifications for filling.

(6) Zoning map revision. Upon compliance with all applicable requirements of this section by the applicant, the director of water utilities [~~Trinity watershed management~~] shall notify the director of sustainable development and construction, who shall remove the FP designation for the filled area from the official zoning district map.

(7) Letter of Map Revision (LOMR). A letter of map revision must be obtained from FEMA, if applicable, before an FP prefix may be removed from the official zoning district map. A building permit may be issued for construction of underground utilities if a conditional letter of map revision (CLOMR) is obtained; however, no building permit for construction of a structure may be issued until a final letter of map revision (LOMR) is obtained.

(f) Removal of an FP designation from an interior drainage area.

(1) Review of application by director. The director of water utilities [~~Trinity watershed management~~] may approve an application for removal of the FP designation in interior drainage areas if:

(A) the director determines the subject area is no longer at risk for flooding based on minimum fill and finished floor elevation;

(B) removal of the FP designation will not negatively affect valley storage; and

(C) the removal of the FP designation is for the purpose of constructing structures that conform to existing zoning.

(2) Notification signs not required. The applicant is not required to post notification signs.

(3) Zoning map revision. A letter of map revision must be obtained from FEMA, if applicable, before an FP prefix may be removed from the official zoning district map.

A building permit may be issued for construction of underground utilities if a conditional letter of map revision is obtained; however, no building permit may be issued until a final letter of map revision is obtained. Upon approval and receipt of a letter of map revision, the director of water utilities [~~Trinity watershed management~~] shall notify the director of sustainable development and construction, who shall remove the FP designation for the subject area from the official zoning district map.

(g) Filling operations. If the city council approves a fill permit, the filling operations must comply with the following requirements:

(1) Any excavation required by the specifications of the approved application must be conducted before or at the same time as placing fill.

(2) Building pad sites must be filled to an elevation of at least two feet above the design flood elevation.

(3) The lowest floor of any structure must be constructed at least three feet above the design flood elevation.

(4) Fill material must consist of natural material including but not limited to soil, rock, gravel, or broken concrete. Decomposable matter, including but not limited to lumber, sheetrock, trees, tires, refuse, or hazardous, toxic matter, is prohibited as fill material. Fill must be compacted to 95 percent standard proctor density.

(5) Before construction, erosion control devices such as straw hay bales, silt fences or similar items must be installed to eliminate any transportation of sediment downstream. The property owner is responsible for removal of any sediment deposited by runoff as a result of filling.

(6) If compliance with a National Pollutant Discharge Elimination System (NPDES) permit is required for construction activities, a copy of the Notice of Intent (NOI) or the individual NPDES permit must be submitted to the director of water utilities [~~Trinity watershed management~~] before beginning fill operations.

(7) Fill shall be placed no more than five feet above the design flood elevation, except where necessary to match the existing elevation of the adjacent property as determined by the director of water utilities [~~Trinity watershed management~~]. In determining when it is necessary to match the existing elevation, the director shall consider the effects on local drainage and storm water management, the access needs of the property, and other public health and safety concerns.

(8) A copy of the approved fill permit must be posted and maintained at the fill site for inspection purposes until fill operations have been completed.

(9) After filling operations have been completed, the applicant shall submit a certification to the director of water utilities [~~Trinity watershed management~~] that proper fill

elevations, compaction requirements, and all other specifications of the approved application have been followed. In addition, the applicant shall submit a copy of the letter of map revision (LOMR) issued by FEMA, if applicable.

(h) Engineering requirements for filling.

(1) Except for detention basins, alterations of the FP area may not increase the water surface elevation of the design flood of the creek upstream, downstream, or through the project area. Detention basins may increase the water surface elevation of the design flood provided the increase is within the detention basin's boundaries as approved by the director of water utilities [~~Trinity watershed management~~].

(2) Alterations of the FP area may not create or increase an erosive water velocity on or off-site. The mean velocity of stream flow at the downstream end of the site after fill may not exceed the mean velocity of the stream flow under existing conditions.

(3) The effects of the existing and proposed public and private improvements will be used in determining water surface elevations and velocities.

(4) The FP area may be altered only to the extent permitted by equal conveyance reduction on both sides of the natural channel. The following valley storage requirements apply to all FP areas except those governed by a city council-adopted management plan that contains valley storage regulations, in which event the valley storage regulations contained in the plan apply:

(A) Except as otherwise provided in Subparagraph (B):

(i) no loss of valley storage is permitted along a stream with a drainage area of three square miles or more;

(ii) valley storage losses along streams with a drainage area between 130 acres and three square miles may not exceed 15 percent, as calculated on a site by site basis; and

(iii) valley storage losses along streams with a drainage area of less than 130 acres is not limited.

(B) Hydrologic computations may be performed to evaluate basin-wide valley storage loss impacts on the design flood discharge. If the computations demonstrate that valley storage losses do not result in increases in the design flood discharge at any point downstream of the project, valley storage losses are permitted even though they exceed the limits provided in Subparagraph (A).

(5) An environmental impact study and a complete stream rehabilitation program must be approved before relocation or alteration of the natural channel or alteration of

an environmentally significant area. The net environmental impacts of the proposal may not be negative. The environmental impact study must contain the following items.

(A) A description of the existing conditions of the site, adjacent properties, upstream and downstream creek sections for approximately 1,000 feet (unless conditions require additional information in the opinion of the director of water utilities [~~Trinity watershed management~~]), and creek and overbank areas. The description of these conditions must include:

(i) the characterization of creek features such as bed quality and material, pool-riffle sequences, natural ground water, springs, seeps, magnitude and continuity of flow, water quality (including biological oxygen demand, dissolved oxygen, and nutrient loadings), bank quality and material, vegetative cover and patterns, bank erosion, topographic relief, disturbances to the natural character of the creek, animal and aquatic life, and the extent and character of wetland areas; and

(ii) soil types and land uses of the site and surrounding area.

(B) A description of the proposed project. This description must include:

(i) the intended ultimate use of the site, or if that is not known, a description of the interim site plan, including construction access;

(ii) reasons why the creek or flood plain alteration is necessary; and

(iii) a site plan showing the flood plain and construction access necessary to perform the work.

(C) A description of at least three possible ways of handling the creek and flood plain, including:

(i) an alternative that assumes the creek and flood plain are not changed;

(ii) the applicant's proposed action; and

(iii) alternatives proposed by the director of water utilities [~~Trinity watershed management~~].

(D) An identification of the impacts created by each alternative, describing in detail all of the positive and negative impacts upon the existing conditions described in Subparagraph (A), that would be created by each alternative.

(E) A recommended course of action based upon evaluation of the alternatives.

(F) Proposed strategies to mitigate adverse impacts. Examples of strategies include tree wells, temporary construction and permanent erosion and sedimentation controls, vegetative buffers, and replacement planting.

(6) The toe of any fill slope must parallel the natural channel to prevent an unbalanced stream flow in the altered FP area.

(7) To insure maximum accessibility to the FP area for maintenance and other purposes and to lessen the probability of slope erosion during periods of high water, maximum slopes of the filled area may not exceed four to one for 50 percent of the length of the fill and six to one for the remaining length of the fill. The slope of any excavated area may not exceed four to one unless the excavation is in rock. Vertical walls, terracing, and other slope treatments may be used provided no unbalancing of stream flow results and the slope treatment is approved as a part of a landscaping plan for the property.

(8) The elevation of excavated areas in the FP area may not be lower than one-third of the depth of the natural channel, as measured from the adjacent bank, except for excavation of lakes. Excavation must be at least 50 feet from the bank of the natural channel, except as necessary to provide proper drainage. The excavated area may not exceed 25 percent of the total area of the tract's unfilled flood plain.

(9) A landscape and erosion control plan must be submitted and approved. Landscaping must incorporate natural materials (such as earth, stone, and wood) on cut and filled slopes when possible. The definitions of Section 51A-10.101 of this chapter apply to this subsection. Except as otherwise provided, the preservation and mitigation requirements contained in the tree preservation regulations, Division 51A-10.130 of the Dallas Development Code, apply. Each landscape and erosion control plan must comply with the following criteria:

(A) The size, type, and location of all trees within the existing flood plain that are six-inch caliper and larger must be shown. The plans must indicate which of the trees are to be preserved and which will be lost due to development activities in the flood plain.

(B) Trees must be protected if they are more than six-inches in caliper and located in sloped areas of flood plain fill with a depth of four feet or less. If trees are protected by tree wells, the wells must be at or beyond the drip line of the tree and must provide positive drainage. A well may not exceed four feet in depth unless designed and certified by a registered landscape architect. Tree wells are required if either of the following conditions occur at the base of a tree to be protected:

- (i) a fill of greater than six inches; or
- (ii) a cut greater than six inches.

(C) The size, type, and location of all proposed replacement trees to mitigate the loss of existing trees must be shown. The tree types must be selected in accordance with the provisions of Section 51A-10.134 and must be approved by the city arborist as suitable for use under local climate and soil conditions.

(D) Where a swale is proposed, tree replacement is required for the loss of existing trees with a six-inch caliper or greater located within the proposed swale. The applicant must indicate replacement of either 35 percent of the number of trees displaced, or the minimum number of trees necessary to provide a spacing equivalent to 50 feet on center, whichever is less. At least 50 percent of the replacement trees must have a caliper of at least six inches. The remainder of the trees must have a caliper of at least three inches.

(E) The specific plant materials proposed to protect fill and excavated slopes must be indicated. Plant materials must be suitable for use under local climate and soil conditions. In general, hydroseeding or sodding Bermuda grass is acceptable during the summer months (May 1st to August 30th). Winter rye or fescue grass may be planted during times other than the summer months as a temporary measure until such time as the permanent planting can be accomplished.

(F) The proposed methods of erosion and sedimentation control, such as hay bales and sedimentation basins, to be used during construction must be shown in detail.

(G) The fill case applicant, current owners, and subsequent owners must maintain and assure the survival of all planted material until the property is developed and a permanent maintenance plan of record is established. Maintenance responsibility must be reflected in the submitted plans or supporting documents.

(10) Any alteration of the FP area necessary to obtain a removal of an FP prefix may not cause any additional expense in any current or projected public improvements.

(i) Special criteria for the Trinity and the Elm Fork. If the FP area is in the flood plain of the Trinity River, Elm Fork of Trinity River, West Fork of the Trinity River, Five Mile Creek - confluence to Bonnie View Road, White Rock Creek - confluence to Scyene Road, or the regulatory floodways established by FEMA, the following requirements must be met:

(A) Encroachment into the floodway is prohibited unless FEMA issues a conditional Letter of Map Revision.

(B) Fill elevations and first floor elevations in flood plain areas located along the Elm Fork, West Fork or main stem of the Trinity River that would be protected from inundation by the 100-year or greater flood by a federally authorized flood control project must be constructed at a minimum elevation of one foot above the design flood. The parking requirements in Section 51A-5.104(b)(4) do not apply.

(j) Term of permit validity and extension procedures.



(A) Permits issued after October 11, 1996. A fill permit is valid for a five-year time period from the date of issuance. The fill permit automatically terminates if the filling operations have not been completed within the five-year time period. The director of water utilities [~~Trinity watershed management~~] may grant a one-time extension of a fill permit for an additional three-year time period upon receipt of a written request made at least 30 days before the expiration of the original permit. The applicant for permit extension must demonstrate that the project fully complies with the flood plain regulations that were in effect at the time that the original permit was approved.

(B) Permits issued before October 11, 1996. Fill permits issued before October 11, 1996, shall expire on December 31, 2001. The director of water utilities [~~Trinity watershed management~~] shall notify owners of fill permits governed by this paragraph that:

(i) filling must be completed no later than December 31, 2001;

and

(ii) a one-time extension of the permit for an additional three-year time period may be granted by the director of water utilities [~~Trinity watershed management~~] upon receipt of a written request made at least 30 days before the expiration date of the original permit. The applicant for permit extension must demonstrate that the project fully complies with the flood plain regulations that were in effect at the time that the original permit was approved.

(C) New permit required upon expiration. When a fill permit terminates, the applicant must apply for a new permit before filling the property. The new application must comply with the flood plain regulations that are in effect at the time that the request is considered by the city council.

(D) Presumption of completion. Filling operations are deemed completed when the applicant submits:

(i) a certification to the director of water utilities [~~Trinity watershed management~~] that proper fill elevations have been achieved and the specifications of the approved application have been followed; and

(ii) a letter of map revision from FEMA, if applicable.”

SECTION 18. That Subsection (b), “Certificate Required,” of Section 51A-5.107, “Trinity River Corridor Development Certificate Process,” of Division 51A-5.100, “Flood Plain Regulations,” of Article V, “Flood Plain and Escarpment Zone Regulations,” of Chapter 51A,

“Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(b) Certificate required. A person commits an offense if he makes any flood plain alteration within the Trinity River Corridor without first obtaining a corridor development certificate from the director of water utilities [~~Trinity watershed management~~]. It is a defense to prosecution that an exemption or variance has been obtained in accordance with CDC criteria.”

SECTION 19. That Subsection (c), “Application,” of Section 51A-5.107, “Trinity River Corridor Development Certificate Process,” of Division 51A-5.100, “Flood Plain Regulations,” of Article V, “Flood Plain and Escarpment Zone Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(c) Application. An application for a corridor development certificate must be filed with the director of water utilities [~~Trinity watershed management~~] on a form furnished by the department of water utilities [~~Trinity watershed management~~].”

SECTION 20. That Subsection (d), “Review,” of Section 51A-5.107, “Trinity River Corridor Development Certificate Process,” of Division 51A-5.100, “Flood Plain Regulations,” of Article V, “Flood Plain and Escarpment Zone Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(d) Review. The director of water utilities [~~Trinity watershed management~~] shall deny an application for a certificate unless it complies with the standards contained in the CDC Manual or unless an exemption from or a variance to those standards is obtained in accordance with Subsection (e).”

SECTION 21. That Subparagraph (B) of Paragraph (1), “Exemptions,” of Subsection (e), “Exemptions and Variances,” of Section 51A-5.107, “Trinity River Corridor Development Certificate Process,” of Division 51A-5.100, “Flood Plain Regulations,” of Article V, “Flood

Plain and Escarpment Zone Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(B) Application for an exemption must be made to the director of water utilities [~~Trinity watershed management~~] on a form provided by the department of water utilities [~~Trinity watershed management~~].”

SECTION 22. That Subparagraph (C) of Paragraph (1), “Exemptions,” of Subsection (e), “Exemptions and Variances,” of Section 51A-5.107, “Trinity River Corridor Development Certificate Process,” of Division 51A-5.100, “Flood Plain Regulations,” of Article V, “Flood Plain and Escarpment Zone Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) If the director of water utilities [~~Trinity watershed management~~] determines that an application for an exemption falls within one of the categories listed in Paragraph (1), the director shall issue a written exemption from the requirements of this section.”

SECTION 23. That Paragraph (2), “Variances,” of Subsection (e), “Exemptions and Variances,” of Section 51A-5.107, “Trinity River Corridor Development Certificate Process,” of Division 51A-5.100, “Flood Plain Regulations,” of Article V, “Flood Plain and Escarpment Zone Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(2) Variances. If the director of water utilities [~~Trinity watershed management~~] determines that the application for a corridor development certificate does not comply with all of the standards contained in the CDC Manual, the applicant may apply for a variance to any standard contained in the manual. An application for a variance must be made to the director of water utilities [~~Trinity watershed management~~], who shall schedule the application for consideration by the city council.”

SECTION 24. That Paragraph (1) of Subsection (e), “Staff Review,” of Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(1) The director shall distribute a copy of the complete application to the city attorney, the department of sustainable development and construction, the office of management services, [~~the department of Trinity watershed management,~~] the park and recreation department, the department of transportation, and the Dallas water utilities department for review and comment. The director shall also send a copy of the application to the TCEQ.”

SECTION 25. That Paragraph (2) of Subsection (a), “Generally,” of Section 51A-8.611, “Storm Drainage Design,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(2) Private drainage systems are those which serve one lot or tract, or any open system that serves more than one lot or tract for which a private entity has maintenance obligations. Private systems are owned and maintained by a private entity. Easements must be provided to allow access by the city to any open system in the event that private system failure or diminished function jeopardizes the public’s health, safety or welfare. Private storm water drainage systems must be designed in general conformance with the design standards of the department of water utilities [~~Trinity watershed management~~] as set forth in the Drainage Design Manual of the department of water utilities [~~Trinity watershed management~~]. Private enclosed systems are not required to be constructed according to the Standard Construction Details, File 251D-1.”

SECTION 26. That paragraph (3) of Subsection (a), “Generally,” of Section 51A-8.611, “Storm Drainage Design,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(3) Public drainage systems are those systems which serve more than one lot or tract, excluding open systems maintained by a private entity. The portion of a drainage system located downstream from a lot or tract boundary, and the portion of any drainage system within the lot or tract boundary which conveys storm drainage from outside the lot or tract boundary are public systems. Public storm water drainage systems must be designed and constructed in strict conformance with department of water utilities requirements [~~Trinity watershed management~~].”

SECTION 27. That Paragraph (5) of Subsection (a), “Generally,” of Section 51A-8.611, “Storm Drainage Design,” of Division 51A-8.600, “Infrastructure Design and Construction,” of

Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(5) All storm drainage facilities must be designed and constructed to safely drain a 100-year storm as outlined in the Drainage Design Manual of the department of water utilities [~~Trinity watershed management~~]. Paved streets and alleys, ditches, and swales may be used for emergency overflow capacity in parallel with enclosed systems provided the requirements of the Drainage Design Manual of the department of water utilities [~~Trinity watershed management~~] are met."

SECTION 28. That Paragraph (2) of Subsection (c), "Detention," of Section 51A-8.611, "Storm Drainage Design," of Division 51A-8.600, "Infrastructure Design and Construction," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(2) Detention facilities must be designed and constructed in conformance with the Drainage Design Manual of the department of water utilities [~~Trinity watershed management~~]."

SECTION 29. That Paragraph (5) of Subsection (c), "Detention," of Section 51A-8.611, "Storm Drainage Design," of Division 51A-8.600, "Infrastructure Design and Construction," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(5) The constructed detention facilities and pond area must remain to line and grade and must not be altered without the approval of the director of water utilities [~~Trinity watershed management~~]."

SECTION 30. That Paragraph (6) of Subsection (c), "Detention," of Section 51A-8.611, "Storm Drainage Design," of Division 51A-8.600, "Infrastructure Design and Construction," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(6) If detention is provided due to inadequate outfall pursuant to Section 51A-8.611(c)(1), then upstream storm drainage systems must be designed for a 100-year storm, up to the outfall into the detention basin. Drainage systems constructed downstream must be designed

for a 100-year storm of the drainage basin without taking into consideration the reduction in flow provided by the detention facility upstream, unless a lesser criteria is approved by the director of water utilities [~~Trinity watershed management~~] when the proposed development does not increase the stormwater drainage from the property and the director determines that the drainage system is not necessary to preserve public health or safety.”

SECTION 31. That Paragraph (1), “Generally,” of Subsection (d), “Floodways,” of Section 51A-8.611, “Storm Drainage Design,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(1) Generally. Floodways must be provided in accordance with the recommendation of the director of water utilities [~~Trinity watershed management~~] and the requirements of the commission to accommodate the 100-year storm drainage flows. Floodway dedications must be identified on the plat and monumented on the ground. Floodway conditions must be satisfied before submitting a final plat for a certificate of approval. Division 51A-5.100 applies to all floodways.”

SECTION 32. That Subparagraph (D) of Paragraph (2), “Floodway Easements,” of Subsection (d), “Floodways,” of Section 51A-8.611, “Storm Drainage Design,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(D) Unless approved by the directors of sustainable development and construction and water utilities [~~Trinity watershed management~~] in an instrument filed in the county deed records or by a city council approved tree mitigation plan, structures, fencing, trees, shrubs, or any other improvement or growth may not be placed in or across any floodway easement.”

SECTION 33. That Subparagraph (F) of Paragraph (2), “Floodway Easements,” of Subsection (d), “Floodways,” of Section 51A-8.611, “Storm Drainage Design,” of Division 51A-8.600, “Infrastructure Design and Construction,” of Article VIII, “Plat Regulations,” of Chapter

51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(F) For purposes of this subsection, "maintenance" means removing any object or condition that, as determined by the director of water utilities [~~Trinity watershed management~~], impedes the free flow of water. Maintenance includes:

- (i) keeping the floodway easement free from any structures;
- (ii) removing debris;
- (iii) desilting lakes, ponds, and detention areas; and
- (iv) controlling the growth of vegetation."

SECTION 34. That Subparagraph (B) of Paragraph (3), "Floodway Management Areas," of Subsection (d), "Floodways," of Section 51A-8.611, "Storm Drainage Design," of Division 51A-8.600, "Infrastructure Design and Construction," of Article VIII, "Plat Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(B) If any portion of the subject property is (1) within a flood plain and (2) abuts a public park, green belt, open space, trail system, or the Trinity River that has been recommended for improvement in a flood plain management plan, the Trinity River corridor plan, the park and recreation long range development plan, the park and recreation master plan, the trail network plan, or any other master plan adopted by the park and recreation board or city council, the directors of water utilities [~~Trinity watershed management~~], sustainable development and construction, and parks and recreation must be notified and given an opportunity to negotiate for the acquisition of the property for a floodway management area before a final plat is approved. The property owner is encouraged, but not required, to donate the floodway management areas to the city."

SECTION 35. That Section PRE. 51P-1.104, "Definitions," of the Preface of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Paragraph (7) to read as follows:

"(7) "TRINITY WATERSHED MANAGEMENT" means water utilities."

SECTION 36. That any reference in the Dallas City Code to Trinity watershed management is a reference to water utilities.

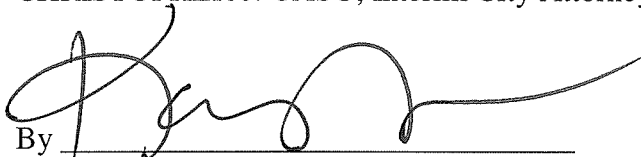
SECTION 37. That Chapters 2, 9B,13,19, 51A, and 51P of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 38. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 39. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By   
Assistant City Attorney

**SEP 18 2018**

Passed \_\_\_\_\_





## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL SEP 18 2018

ORDINANCE NUMBER 30994

DATE PUBLISHED SEP 22 2018

ATTESTED BY: