

ORDINANCE NO. 841

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS AMENDING CHAPTER 38, FLOODS, ARTICLE II, FLOOD DAMAGE PREVENTION, DIVISION 1, GENERALLY, SECTION 38-35, DEFINITIONS, BY ADDING NEW DEFINITIONS; AMENDING CHAPTER 38, FLOODS, ARTICLE II, FLOOD DAMAGE PREVENTION, DIVISION 2. ADMINISTRATION, SECTIONS 38-61, FLOODPLAIN ADMINISTRATOR—DESIGNATION, OF THE CODE OF ORDINANCES OF THE CITY OF HEDWIG VILLAGE, TEXAS BY DESIGNATING THE CITY ADMINISTRATOR OR THEIR DESIGNEE, AND SECTION 38-62, SAME—DUTIES AND RESPONSIBILITIES, BY ADDING ADDITIONAL DUTIES AND RESPONSIBILITIES; SECTION 38-63, PERMIT PROCEDURES, AND ADDING NEW SECTIONS 38-65, LIMITATION ON LOT FILL FOR PROPERTY; SECTION 38-66, FILL ON NON-CONFORMING LOTS; SECTION 38-67, APPEAL; AMENDING CHAPTER 38, FLOODS, ARTICLE II, FLOOD DAMAGE PREVENTION, DIVISION 3, FLOOD HAZARD REDUCTION, SECTION 38-81, GENERAL STANDARDS, BY REVISING THE GENERAL STANDARDS; AND SECTION 38-82, SPECIFIC STANDARDS, BY REVISING THE SPECIFIC STANDARDS AND BY ADDING SETTING MINIMUM ELEVATION FOR NEW CONSTRUCTION AND ADDING A NEW SECTION 38-84, STORMWATER DETENTION, BY ADDING STORMWATER DETENTION REQUIREMENTS.

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

Section 1. *Chapter 38, Floods, Article II, Flood Damage Prevention, Division 1, Generally, Section 38-35, Definitions, of the Ordinances of the City is amended by adding new Definitions and amending Chapter 38, Floods, Article II, Flood Damage Prevention, Division 2, Administration, Sections 38-61, Floodplain Administrator—Designation, by designating the City Administrator or their designee, and Section 38-62, Same—Duties and Responsibilities, by adding additional duties and responsibilities; Section 38-63, Permit Procedures, by adding additional Permit Procedures; and adding New Sections 38-65, Limitation on Lot Fill for Property; Section 38-66, Fill on Non-Conforming Lots; Section 38-67, Appeal; and amending Chapter 38, Floods, Article II, Flood Damage Prevention, Division 3, Flood Hazard Reduction, Section 38-81, General Standards, and amending Section 38-82, Specific Standards, by revising the Specific Standards; by revising the Specific Standards and by adding setting minimum elevation for new*

construction and adding a new Section 38-84, Stormwater Detention by adding stormwater detention requirements. The amended *Code* shall read as set out in Appendix A, attached hereto. All other portions of *Chapter 38* of the City's *Code* not specifically amended hereby shall remain in full force and effect.

Section 3. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 4. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 5. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED and ADOPTED this, the 12th day of December, 2024.

Tom Jinks, Mayor
City of Hedwig Village, Texas

ATTEST:

Lisa Modisette, City Secretary
City of Hedwig Village, Texas

Exhibit A

(New Language shown by underline and deleted language shown by strike-out)

Chapter 38 FLOODS¹

ARTICLE I. IN GENERAL

Secs. 38-1—38-30. Reserved.

ARTICLE II. FLOOD DAMAGE PREVENTION²

DIVISION 1. GENERALLY

Sec. 38-31. Statutory authorization.

The Legislature of the State of Texas has in V.T.C.A., Water Code, § 16.315 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council of the city of does ordain as follows in this article.

(Ord. No. 559, Art. 1, § A, 12-9-2004)

Sec. 38-32. Findings of fact.

- (a) The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in flood prone areas which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. No. 559, Art. 1, § B, 12-9-2004)

¹Cross reference(s)—Buildings and building regulations, ch. 14; environment, ch. 30; health and safety, ch. 42; streets, sidewalks and other public places, ch. 70; subdivisions, ch. 74; utilities, ch. 82; planning and zoning code, app. A.

²Editor's note(s)—Ord. No. 559, adopted Dec. 9, 2004, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 38-31—38-83, pertained to similar subject matter, and derived from Code 1991, §§ 8-1—8-68; Ord. No. 381, §§ 1—4, adopted Apr. 8, 1993; and Ord. No. 494, § 2, adopted Mar. 8, 2001.

State law reference(s)—Contracts with conservation districts for flood control and drainage, V.T.C.A., Agriculture Code § 201.152; disaster prevention, V.T.C.A., Government Code § 418.121 et seq.; city-county water control, V.T.C.A., Local Government Code §§ 411.002, 411.003; Flood Control and Insurance Act, V.T.C.A., Water Code § 16.311 et seq.; local rules, V.T.C.A., Water Code § 16.318.

Sec. 38-33. Statement of 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.

(Ord. No. 559, Art. 1, § C, 12-9-2004)

Sec. 38-34. Methods of reducing flood losses.

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities.
- (2) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.
- (4) Control filling, grading, dredging and other development, which may increase flood damage.
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. No. 559, Art. 1, § D, 12-9-2004)

Sec. 38-35. Definitions.

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

Alluvial fan flooding: Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex: A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure: A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard: The land area that would be inundated by the one-percent-annual-chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding: A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHRM). After detailed rate-making 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.

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

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Buildable area: The buildable area of a lot is the space remaining after compliance with the minimum required setbacks of this Ordinance. See Article V. – Zoning Regulations.

Critical feature: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

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

Drainage plan: A detailed and engineered plan for managing the discharge of stormwater from a specified site. This plan is to be prepared, signed, and sealed by a professional engineer who is licensed in the state of Texas. The purpose of the drainage plan is to ensure proper handling of stormwater to prevent flooding, erosion, and water quality issues. The plan includes details such as elevations, drainage structures, flow paths, and measures to control the quantity and quality of runoff. See Sec. 14-62. Site drainage; drainage plans.

Elevated building: (For insurance purposes) A non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction: (For the purposes of determining rates) Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for

FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision: 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: 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).

Fill: The placement of material or aggregate on land to raise its surface elevation. Fill typically includes such materials as earth, sand, or other similar substances. The purpose of fill is often to prepare a site for construction, improve drainage, or change the topography of a property for aesthetic or functional reasons.

Finished floor elevation (minimum): The height of the top surface of the lowest floor of a building, measured from *Standard Base Level*. Each foundation shall have a finished floor elevation of at least 12 inches above *Standard Base Level* as defined in Sec. 38-35. For lots designated as Zone X Unshaded, the finished floor elevation is restricted to no higher than 30 inches above *Standard Base Level*.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood hazard boundary map (FHBM): An official map of a community, issued by the administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as zones A, M, and/or E.

Flood insurance rate map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS): See *flood elevation study*.

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source (see definition of flooding).

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

Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood protection system: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood proofing: 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: See *regulatory floodway*.

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

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction within five feet of the proposed walls of a structure that is not closer than ten feet to the property line, or the property line elevation.

Historic structure: Any structure that is:

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

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

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

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

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

Mean sea level: (For purposes of the National Flood Insurance Program) The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction: (For the purpose of determining insurance rates) Structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision: 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 on or after the effective date of floodplain management regulations adopted by a community.

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

Riverine: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area: See *area of special flood hazard*.

Start of construction: (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) The term includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms;

nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Standard base level: The standard base level is the average elevation of two points: the tops of the curb where the side lines of a site, if extended, would intersect the curb (but if there is no curb at either point, or if there is no curb at all, the intersections of the extended side lines with the paved crown of the street are used instead of the tops of the curb). Exception: If sufficient data are available, the Building Official shall designate a substitute standard base level for a site, which shall apply from and after the date of designation, as follows:

- (1) The substitute standard base level is the average elevation of eight points, all at ground level on the boundaries of the site, as follows:
 - (i). four of the points are the exact corners of the site, and
 - (ii). each of the remaining four points is the exact midpoint of one of the boundaries of the site (e.g., side street line), but
 - (iii). if the site is irregularly shaped, or if one or more of the points cannot be measured accurately, the Building Official shall designate the eight points, using as many corners as practicable and spacing the remaining points as equally as practicable along the boundaries of the site.
- (2) The elevations of the eight points must be established by an acceptable topological survey submitted to the Building Official.
- (3) Topological surveys, to be acceptable, must meet standards set by the Building Official (including the form of the drawing and certificate), but no such survey is acceptable if three or more of the points surveyed have been disturbed by filling, demolition, construction or similar activity within the five-year period preceding the date of the survey. The vertical elevation datum shall be NAVD 1988, 2001 Adjustment.

Structure: (For floodplain management purposes) A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage: 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: 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 "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: (1) 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 local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance: A grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

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

Water surface elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Zero net fill: A policy implemented in floodplain management to maintain the flood storage capacity of a given area. It requires that any fill material added to the floodplain be compensated by an equivalent volume of excavation. This ensures that the total amount of flood storage remains unchanged, preventing increased flood risk to adjacent properties.

(Ord. No. 559, Art. 2, 12-9-2004)

Sec. 38-36. Lands to which this article applies.

This article shall apply to all areas of special flood hazard with the jurisdiction of the City of Hedwig Village.

(Ord. No. 559, Art. 3, § A, 12-9-2004)

Sec. 38-37. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the flood insurance rate map (FIRM) or flood hazard boundary map (FHBM), community number 480294, preliminary dated September 30, 2004, and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

(Ord. No. 559, Art. 3, § B, 12-9-2004)

Sec. 38-38. Establishment of development permit; compliance with article.

- (a) *Permit required.* A flood prone development permit shall be required to ensure conformance with the provisions of this article.
- (b) *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

(Ord. No. 559, Art. 3, §§ C, D, 12-9-2004)

Sec. 38-39. Abrogation and greater restrictions.

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

(Ord. No. 559, Art. 3, § E, 12-9-2004)

Sec. 38-40. Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 559, Art. 3, § F, 12-9-2004)

Sec. 38-41. Warning and disclaimer or liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(Ord. No. 559, Art. 3, § G, 12-9-2004)

Sec. 38-42. Penalties for non-compliance.

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. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,000.00 for each violation and each day constitutes a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 559, Art. 5, § E, 12-9-2004)

Secs. 38-43—38-60. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 38-61. Floodplain administrator—Designation.

The City Administrator or their designee is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (emergency management and assistance—National Flood Insurance Program regulations) pertaining to flood prone management.

(Ord. No. 559, Art. 4, § A, 12-9-2004)

Sec. 38-62. Same—Duties and responsibilities.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this article.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the Texas Commission on Environmental Quality, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with Section 38-37, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of division 3 of this article.
- (10) Issue or deny development permits in accordance with Section 38-63.
- (11) Maintain a record of all actions involving appeals and variances and shall report

variances to the Federal Emergency Management Agency upon request
(12) Provide notice to recipients of variances required by Section 38-64(J)(3).

(Ord. No. 559, Art. 4, § B, 12-9-2004)

Sec. 38-63. Permit procedures.

- (a) Application for a flood prone development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
- (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 38-82(2);
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (5) Maintain a record of all such information in accordance with subsection 38-62(1).
- (b) Approval or denial of a flood prone development permit by the floodplain administrator 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 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 use with existing and anticipated development;
 - (5) The safety of access to 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 such as sewer, gas, electrical and water systems;
 - (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 necessity to the facility of a waterfront location, where applicable;
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (10) The relationship of the proposed use to the comprehensive plan for that area; and
 - (11) The impact to adjacent and neighboring properties, as it relates to drainage, flood levels and flood damage potential, reasonably expected as a result of the proposed development.

(Ord. No. 559, Art. 4, § C, 12-9-2004)

Sec. 38-64. Variance procedures.

- (a) The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this article.
- (b) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
- (c) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- (d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this article.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection 38-63(b) of this article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article.
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (j) Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk

resulting from the reduced lowest floor elevation.

- (k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in subsections 38-64 (1)—(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No. 559, Art. 4, § D, 12-9-2004)

Sec. 38-65 - Limitation on lot fill for property.

- (a) In no case shall more than six (6) inches of fill be allowed within the buildable area for a site as defined in Sec. 38-35, other than the exceptions provided for in subsection 38-65(b).
- (b) The height to which any point on the lot can be filled, other than the foundation, shall be limited to no more than the amount needed to create a maximum elevation equal to a one percent slope from the existing top of curb, edge of road (if no curb exists), existing high bank or property lines (whichever is closer to the development) from all sides. The only exception to this requirement is the building foundation.
- (c) No fill shall be placed within five (5) feet of any property line unless determined by the City Administrator or their designee to be necessary to correct erosion issues.
- (d) Existing elevations which are higher than the calculated elevations are not required to be cut to meet the requirements of this section. The calculation only applies to additional fill above the Standard Base Level elevation (pre-construction elevations).
- (e) All fill used on property located inside the 100-year flood plain shall comply with zero net fill requirements, meaning that the total fill added to the site does not exceed cut.
- (f) No permit for fill shall be issued if it has the potential to adversely impact adjacent properties.

Sec. 38-66 – Fill on non-conforming lots.

Fill that is added to non-conforming lots shall comply with the rules provided for in Section 38-65 above. However, because of the limitations of size the property, fill will be allowed to a height of six inches located in the middle of the property and sloped back to the property line.

Sec. 38-67 - Appeal.

- (a) If an appeal from the requirements provided for in this article is requested, the developer or owner's representative shall submit such appeal in writing to the city's building official. The developer or owner's representative shall meet with the city's building official and city engineer to discuss the appeal. Each appeal will be evaluated individually. The developer or owner's representative must produce additional information that is requested to verify that the proposed improvement will not negatively affect adjacent properties. The city engineer's and city building official's decision on allowable fill shall be based on all information provided.

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1. Notice to adjacent property: Notice shall be sent by mail to adjacent property owners that are adjacent to the property seeking the appeal or variation from the standards of this chapter, within at least thirty (30) days prior to any appeal decision.
 - (b) A notice of appeal in prescribed form must be filed with the city secretary and with the office or department rendering the decision, determination or interpretation which is the subject of appeal, within a reasonable time as determined by the rules of the city, but not more than 30 days after such decision, determination or interpretation. Upon filing of such notice of appeal the building official shall promptly forward to the city engineer any and all records concerning the subject matter of the appeal. Failure to file such appeal shall constitute a waiver of any rights under this code to appeal any interpretation or determination made by such administrative official.
 - (c) The developer or owner's representative may appeal the decision of the city's building official and city engineer to the Board of Adjustment. The decision of the Board of Adjustment shall be final.

Secs. 38-68—38-80. Reserved.

DIVISION 3. FLOOD HAZARD REDUCTION

Sec. 38-81. General standards.

In all areas of special flood hazards and areas of minimal 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 with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and,
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 559, Art. 5, § A, 12-9-2004)

Sec. 38-82. Specific standards.

In all areas of special flood hazards and areas of minimal flood hazards, the following provisions are required:

(1) *Residential construction.*

- a. New construction and substantial improvement of any residential structure within zone AE, shall have the lowest floor (including basement), elevated to a minimum of 24 inches above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in subsection 38-63(a)(1), is satisfied.
- b. New home construction, in zone X Shaded or Unshaded, lowest floor elevation shall have a minimum of 12 inches and a maximum elevation of 30 inches above Standard Base Level.
- c. A drainage plan shall be required for all new residential construction and substantial improvements, unless determined to be a *LIDP* as defined in Section 14-62(b)(3), that would result in an increase to the site's impervious coverage and would impact the site's drainage within the proposed project area (including but not limited to new construction, flatwork, turf, accessory structures, home additions, etc.). All pools shall require an approved drainage plan. See Section 14-62. Site drainage; drainage plans.

(2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

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

(4) *Manufactured homes.*

- a. Require that all manufactured homes to be placed within Zone A on a community's FIRM shall be installed using methods and practices that 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 on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (4) of this section be elevated so that either:
 - 1. The lowest floor of the manufactured home is at or above the base flood elevation, or
 - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(Ord. No. 559, Art. 5, § B, 12-9-2004)

Sec. 38-83. Standards for subdivision proposals.

- (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 38-31 through 38-33 of this article.

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- (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet flood prone development permit requirements of section 38-38, section 38-63, and the provisions of this division 3.
 - (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to Section 38-37 or subsection 38-62(8) of this article.
 - (d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
 - (e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 559, Art. 5, § C, 12-9-2004)

Sec. 38-84. Stormwater detention.

(1) Single Family Lots:

- a. Single family lots with new construction when consistent with the impervious requirements outlined in the Planning and Zoning Code are not required to provide stormwater detention.

(2) Non-residential Lots:

- a. Non-residential lots which front TxDOT right-of-way and drain to TxDOT right-of-way are required to adhere to TxDOT drainage requirements and must provide documentation from TxDOT of approval to discharge into the TxDOT right-of-way.
- b. Non-residential lots which will discharge into City of Hedwig Village drainage infrastructure or sheet flow into the City right-of-way shall require stormwater detention as defined within this section.
 - i. Existing non-residential lots that are being redeveloped (which have existing buildings and drainage infrastructure) will not require stormwater detention to the extent the discharge points for the existing drainage infrastructure from the lot remain unchanged and the drainage area to these discharge points remains unchanged.
 - ii. Existing non-residential lots that are being redeveloped with a change to drainage system will be required to detain for the gap between the discharge previously and the new discharge
 - iii. Existing non-residential lots that have been abandoned for more than 4-years (no buildings or maintained drainage infrastructure) will be required to provide the greater of the volume determinations below for stormwater detention.

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1. Storage volume in the amount of 0.55 acre/feet per acre of the total lot size. This outfall shall be restricted to ensure utilization of this storage volume.
 2. Upon review of the receiving storm sewer drainage area maps, the portion of the subject lot within the drainage area for the receiving storm sewer will limit the lots discharge to their pro rata share of the discharge defined within the drainage calculations of the receiving storm sewer.
- iv. Non-residential Lots greater than 3.5 acres are required to construct detention to accommodate 150% of stormwater of their stormwater detention requirements.

(3) Runoff Determination:

- a. Stormwater runoff calculations shall be based upon Atlas 14 rainfall depths as reflected by <https://hdsc.nws.noaa.gov/pfds/>
- b. The Rational Method will be used for stormwater runoff calculations, C values, the determination of the Time of Concentration and the rainfall intensity values shall be based upon the current version of the Harris County Infrastructure Regulations for the Approval of and Acceptance of Infrastructure. As of adoption of this ordinance the current version of these regulations may be found at <https://www.eng.hctx.net/Portals/23/2023-Infrastructure%20Regulations/Regulations%20for%20Approval%20Acceptance%20of%20Infrastructure.pdf?ver=8zEVIYFPsn8J-sUEgfXhUg%3d%3d>
- c. The design storm for stormwater detention calculations and facility shall be the 2-year, 24-hour and the 100-year, 24-hour rainfall events.