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No. 25

MASTER
FLOOD HAZARD PREVENTION ORDINANCE

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FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND
METHODS

SECTION A. *STATUTORY AUTHORIZATION*

The Legislature of the State of Texas has in Section 16 315 Texas Water Code
(state) (statutes)
delegated the responsibility to local governmental units to adopt regulations
designed to minimize flood losses. Therefore, the City Council of
(governing body)
Bevil Oaks, Texas does ordain as follows:
(local unit) (state)

SECTION B. *FINDINGS OF FACT*

- (1) The flood hazard areas of Bevil Oaks are
(local unit)
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.
- (2) These flood losses are created by the cumulative effect of
obstructions in flood plains 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.

SECTION C. *STATEMENT OF PURPOSE*

It is the purpose of this ordinance 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 flood plains;
- (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 the potential buyers are notified that property is in a
flood area.

SECTION D. *METHODS OF REDUCING FLOOD LOSSES*

In order to accomplish its purposes, this ordinance 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 flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will increase flood hazards to other lands;

ARTICLE 2

DEFINITIONS

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

Appeal--means a request for a review of the Mayor's (local administrator) interpretation of any provision of this ordinance or a request for a variance.

Area Of Shallow Flooding--means a designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet. This condition occurs where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area Of Special Flood Hazard--is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

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

Development--means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Existing Mobile Home Park Or Mobile Home Subdivision--means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

Expansion To An Existing Mobile Home Park Or Mobile Home Subdivision--means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Flood Or Flooding--means 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 Hazard Boundary Map (FHBM)--means an official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated as Zone A.

sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance -- is a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance.

ARTICLE 3

GENERAL PROVISIONS

SECTION A. *LANDS TO WHICH THIS ORDINANCE APPLIES*

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Bevil Oaks
(local unit)

SECTION B. *BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD*

The areas of special flood hazard identified by the Federal Insurance Administration on its Flood Hazard Boundary Map (FHBM), Community No. 480878A, dated May 13, 1977, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. *ESTABLISHMENT OF DEVELOPMENT PERMIT*

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. *COMPLIANCE*

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. *ABROGATION AND GREATER RESTRICTIONS*

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

SECTION F. *INTERPRETATION*

In the interpretation and application of this ordinance, 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.

SECTION G. *WARNING AND DISCLAIMER OF LIABILITY*

The degree of flood protection required by this ordinance 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 man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of Bevil Oaks
(local unit)

employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE 4

ADMINISTRATION

SECTION A. DESIGNATION OF the Mayor of Bevil Oaks
(Local Administrator)

The Mayor
(local administrator) is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. DUTIES AND RESPONSIBILITIES OF THE Mayor
(Local Administrator)

Duties and responsibilities of the Mayor
(local 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 ordinance;
- (2) Review, approve or deny all applications for development permits required by Article 3, Section C of this ordinance;
- (3) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required;
- (4) 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 Mayor
(local administrator) shall make the necessary interpretation.
- (5) Notify adjacent communities and the Texas Dept. of Water Resources
(state coordinating agency) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
- (6) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (7) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Mayor
(local administrator) shall obtain review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, in order to administer the provision of Article 5.

SECTION C. PERMIT PROCEDURES

- (1) Application for a Development Permit shall be presented to the Mayor
(local administrator) on forms furnished by him 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, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all proposed structures;
 - b. Elevation in relation to mean sea level to which any non-residential structure shall be floodproofed;

c. A certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the flood-proofing criteria of Article 5, Section B(2);

d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(2) Approval or denial of a Development Permit by the Mayor
(local administrator) shall be based on all of the provisions of this ordinance and the following relevant factors:

- a. The danger to life and property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. 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.
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- j. The relationship of the proposed use to the comprehensive plan for that area.

SECTION D. VARIANCE PROCEDURES

- (1) The City Council
(appeal board) as established by Bevil Oaks
(local unit) shall hear and render judgement on requests for variances from the requirements of this ordinance.
- (2) The City Council
(appeal board) shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Mayor
(local administrator) in the enforcement or administration of this ordinance.
- (3) Any person or persons aggrieved by the decision of the City Council
(appeal board) may appeal such decision in the courts of competent jurisdiction.
- (4) The Mayor
(local administrator) shall maintain a record of all actions involving an appeal and shall report variances to the Federal Insurance Administration upon request.

(5) 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 section.

(6) Generally, 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 Section C(2) 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.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the City Council may attach such conditions to the (appeal board) granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Prerequisites for granting variances:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) and 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.

c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation no more than * feet 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.

* The amount will be determined on an individual basis.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

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

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(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 and utility equipment resistant to flood damage;

(4) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters; and,

TOWN OF BEVIL OAKS

Route 1, Box 892
Beaumont, Texas 77706

Passed and Approved By the City Council of the City
of Bevil Oaks, this the 21st day of February 1978.

O.C. Hall

O.C. Hall, Mayor
City of Bevil Oaks