

ORDINANCE NO. 2021-O-01

AN ORDINANCE AMENDING ARTICLE 3.10, CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF PALACIOS, TEXAS TO UPDATE AND REVISE THE FLOOD DAMAGE PREVENTION REGULATIONS OF THE CITY TO CONFORM WITH CURRENT FEMA REQUIREMENTS; CONTAINING A SAVINGS CLAUSE; REPEALING INCONSISTENT ORDINANCES; PROVIDING A PENALTY; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the Federal Emergency Management Agency (FEMA) has updated and revised its recommendations and requirements that a community must adopt in order to participate in the national flood insurance program, and the City Council of the City of Palacios has determined that the City's ordinances regarding the prevention of flood damage within the City should be modified to conform with the current federal and state laws concerning flood damage prevention; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS:

SECTION 1: That section 3.10.005 of the Code of Ordinances of the City of Palacios, Texas is hereby amended to add the following definition to the existing definitions:

Sec. 3.10.005 Definitions

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

SECTION 2: That section 3.10.006(b) of the Code of Ordinances of the City of Palacios, Texas is hereby amended to read as follows:

Sec. 3.10.006 General Provisions

(b) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Matagorda County and Incorporated Areas," Palacios, Texas," dated January 15, 2021, ~~February 6, 1986,~~ with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) the most effective flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) dated January 15, 2021 ~~February 6, 1986~~ and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION 3: That section 3.10.008(b)(1) of the Code of Ordinances of the City of Palacios, Texas is hereby amended to read as follows:

Sec. 3.10.008 Provisions for Flood Hazard Reduction

(b) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in sections 3.10.006(b), 3.10.007(b)(8), and 3.10.008(c)(4), the following provisions are required:

- (1) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one (1) foot ~~to~~ or above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the floodplain administrator that these standards as proposed in section 3.10.007(c)(1)-(9), are satisfied.

SECTION 4: That section 3.10.008(b)(2) of the Code of Ordinances of the City of Palacios,

Texas is hereby amended to read as follows:

Sec. 3.10.008 Provisions for Flood Hazard Reduction

(b) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in sections 3.10.006(b), 3.10.007(b)(8), and 3.10.008(c)(4), the following provisions are required:

(2) Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated one (1) foot ~~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 method 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.

SECTION 5: That section 3.10.008(b)(3) of the Code of Ordinances of the City of Palacios, Texas is hereby amended to read as follows:

Sec. 3.10.008 Provisions for Flood Hazard Reduction

(b) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in sections 3.10.006(b), 3.10.007(b)(8), and 3.10.008(c)(4), the following provisions are required:

(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 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:

(A) A minimum of two (2) openings on separate walls having a total net area of not less than one (1) 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 (1) 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.

SECTION 6: If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 7: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 8: Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Two

Thousand and No/100 Dollars (\$2,000.00). Each day that a violation is committed or permitted to exist shall constitute a separate offense.

SECTION 9: This Ordinance shall become effective after its approval and adoption upon second and final reading and its publication pursuant to law.

PASSED AND APPROVED on first reading this _____ day of _____, 2021.

PASSED, APPROVED AND ADOPTED on second and final reading this _____ day of _____, 2021.

CITY OF PALACIOS, TEXAS

LINH CHAU, Mayor

ATTEST:

CLISSA MILLS, City Secretary

APPROVED AS TO FORM:

RANDALL B. STRONG, City Attorney

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