

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 151, REGARDING THE ADOPTION OF THE LATEST FLOOD INSURANCE STUDY (FIS) AND FLOOD INSURANCE RATE MAP (FIRM) WITH AN EFFECTIVE DATE OF AUGUST 18, 2014; PROVIDING A DEFINITION FOR REPETITIVE LOSS; PROVIDING FOR FREEBOARD; PROVIDING FOR INCREASED SUBDIVISION STANDARDS; PROVIDING FOR SEVERABILITY; ESTABLISHING PENALTIES NOT TO EXCEED \$500.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses; and

WHEREAS, the flood hazard areas of the City of Pflugerville are subject to periodic inundation, which can result 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; and

WHEREAS, 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 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) ensure that potential buyers are notified that property is in a flood area; and

WHEREAS, the reduction of flood losses may be accomplished by: (1) the restriction or prohibition of uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities; (2) requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; (3) controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters; (4) controlling filling, grading, dredging, and other development which may increase flood damage; (5) preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and (6) maintaining the relationship of the proposed use to the City's comprehensive plan for the area; and

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

Section 1. Amendment to Section 151.02

Chapter 151, Section 151.02, of the City of Pflugerville, Texas Code of Ordinances is hereby amended by adding the following definitions:

REPETITIVE LOSS. Flood related damage sustained by a structure on two separate occasions during a 10- year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

Section 2. Amendment to Section 151.04

Chapter 151, Section 151.04 of the City of Pflugerville, Texas Code of Ordinances is hereby amended to read as follows:

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 Travis County and Incorporated Areas," dated August 18, 2014, with accompanying Flood Insurance Rate Maps (FIRMs) dated August 18, 2014, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

Section 3. Amendment to Section 151.35

Chapter 151, Section 151.35, Subsection (E) of the City of Pflugerville, Texas Code of Ordinances is hereby amended by adding the following subsection:

(E) In any area that has been removed from the floodplain via a Letter of Map Revision Based on Fill (LOMR-F), any existing or new structure, addition, or substantial improvement must meet the required elevation freeboard requirements.

Section 4. Amendment to Section 151.36

Chapter 151, Section 151.36, subsection (A) of the City of Pflugerville, Texas Code of Ordinances is hereby amended to read as follows:

(A) New construction of substantial improvements of any residential structure (or manufactured home) shall have the lowest floor, including basement, mechanical and utility equipment, and ductwork, elevated no lower than two (2) feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit an elevation certificate to the Floodplain Administrator that the standard of this subsection (A) is met.

Section 5. Amendment to Section 151.36

Chapter 151, Section 151.36, subsection (B) of the City of Pflugerville, Texas Code of Ordinances is hereby amended to read as follows:

(B) New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall:

(1) Have the lowest floor, including the basement, elevated to no lower than two (2) feet above the base flood elevation, or

(2) Be floodproofed to a level no lower than two (2) feet above the level of the base flood elevation, provided that all areas of the building (including mechanical and utility equipment) below the required elevation are watertight.

(3) A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the designs 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.

Section 6. Amendment to Section 151.36

Chapter 151, Section 151.36, subsection (C) of the City of Pflugerville, Texas Code of Ordinances is hereby amended to read as follows:

(D) Require that manufactured homes that are placed or substantially improved within zone 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 no lower than two (2) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Section 7. Amendment to Section 151.36

Chapter 151, Section 151.36, subsection (D) of the City of Pflugerville, Texas Code of Ordinances is hereby amended to read as follows:

(E) Require that manufactured homes that are placed or substantially improved on sites in an existing manufactured home park or subdivision within zone AE on the community's FIRM that are not subject to the provisions of subsection (C) of this section be elevated so that the lowest floor of the manufactured home is no lower than two (2) feet above the base flood elevation.

Section 8. Amendment to Section 151.37

Chapter 151, Section 151.37, Subsection (B) of the City of Pflugerville, Texas Code of Ordinances is hereby amended to read as follows:

(B) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevation for all subdivision proposals, and other proposed developments at least 5 acres or 5 lots in size, whichever is the lesser. These studies shall be submitted to FEMA with a request for map revision.

(1) All preliminary plans for platted subdivisions shall identify the flood hazard area and elevation of the base flood.

(2) All final subdivision plats will provide the boundary of the special flood hazard area, the floodway boundary, base flood elevations, and finished floor elevations for lots in or immediately adjacent to the SFHA.

(3) Approval shall not be given for streets within a subdivision which would be subject to flooding in the base flood. All street surfaces must be located at or above the base flood elevation.

Section 9. Effective Date.

This Ordinance will take effect upon its passage by three affirmative votes on first reading; provided that this Ordinance will be posted and adopted at a subsequent meeting in accordance with the provisions of Section 3.15(d) of the City Charter.

Section 10. Severability.

If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of the Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

PASSED AND APPROVED THIS 24th day of June, 2014

CITY OF PFLUGERVILLE, TEXAS

By: _____
Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

GEORGE E. HYDE, City Attorney
DENTON, NAVARRO, ROCHA, BERNAL, HYDE & ZECH P.C.