

RESOLUTION #2007-4246

Revised as of June 25, 2007

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FILED FOR RECORD
LINDA BRADSHAW
COUNTY CLERK HUNT CO
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BY: J. Brasher
DEPUTY

Floodplain Regulations

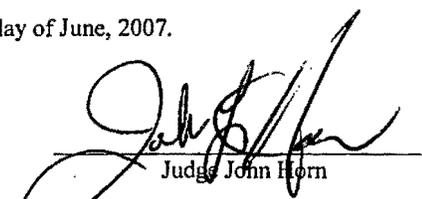
WHEREAS, the matter set forth below was briefed before Commissioners Court on June 25, 2007; and

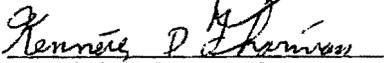
WHEREAS, pursuant to Commissioners Court Order No. 4246 as approved by the Commissioners Court on May 30, 1990, the County of Hunt adopted floodplain regulation in order to participate in the National Flood Insurance Program (NFIP) through the Federal Emergency Management Agency (FEMA); and

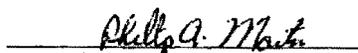
WHEREAS, it is the recommendation of the Hunt County Floodplain Administrator that the County of Hunt adopt revised floodplain regulations to continue our participation in the NFIP.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Hunt County Commissioners Court that it hereby approves and adopts the revised floodplain regulations, attached hereto, in order to continue participating in the National Flood Insurance Program.

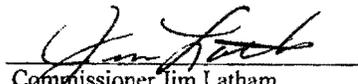
Approved this 25th day of June, 2007.


Judge John Horn


Commissioner Kenneth Thornton


Commissioner Phillip Martin


Commissioner Ralph Green


Commissioner Jim Latham

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CLERK HUNT COUNTY

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CLERK

HUNT COUNTY

FLOODPLAIN MANAGEMENT REGULATIONS

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

**SECTION A
STATUTORY AUTHORIZATION**

The Legislature of the State of Texas has in Flood Control and Insurance Act (Subchapter I, Section 16.311 – 16.319 of the Texas Water Code), delegated the responsibility of local government units to adopt regulations designed to minimize flood losses. Therefore, the Commissioners Court of Hunt County, Texas, does ordain as follows:

**SECTION B
FINDINGS OF FACT**

- (1) The flood hazard areas of unincorporated Hunt County 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.
- (2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause and 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, flood-proofed 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 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.

SECTION D
METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its' purposes, these regulations utilize 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 flood waters;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) Control filling, grading, dredging and other development which may increase flood damage.

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.

ALLUVIAL FAN FLOODING – means 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 – means 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.

AREA OF SHALLOW FLOODING – means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance 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 a 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 (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, AI-99, VO, V1-30, VE or V.

BASE FLOOD – means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT – means any area of the building having its' floor sub-grade (below ground level) on all sides.

CRITICAL FEATURE – means 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 – 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.

ELEVATED BUILDING – means a non-basement building:

(i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and;

(ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with opening sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building”, even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION – means for the purposes of determining rates, structures for 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 – means 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 – means 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).

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 Administrator, where the boundaries of the flood, mudslide (i.e. mudflow) related erosion areas having special hazards have been designated as Zones A, H, and/or E.

FLOOD INSURANCE RATE MAP (FIRM) – means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY – is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA – means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT – means the operation of an overall program of corrective and preventative measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS – means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinances) 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 – means those physical structural works for which funds have been authorized and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the areas 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 – means 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 (REGULATORY FLOODWAY) – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE – means 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, and port facilities that 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 – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE – means 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; or,
- (2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of Interior to qualify as a registered historic district; or,
- (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 of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determine by the Secretary of the Interior; or,
 - (b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE – means a man-made 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 – means 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 – means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking 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 no-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME – means 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. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISIONS – means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL – means, 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 – means, for the purpose of determining insurance rates, structures for which the “state 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 – means 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 regulation adopted by a community.

RECREATIONAL VEHICLE – means a vehicle which is:

- (i) built on a single chassis; and,
- (ii) 400 square feet or less when measured at the largest horizontal projections; and,
- (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.

START OF CONSTRUCTION – (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (pub. L. 97-348), 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 improvements 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 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 the alteration affects the external dimensions of the building.

STRUCTURE – means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL IMPROVEMENT – means any reconstructions, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before “start of construction” of the improvement. This 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 conditions; or,
- (2) Any alteration of an “historic structure”, provided that the alteration will not preclude the structure’s continued designation as an “historic structure”.

VARIANCE – is a grant of relief to a person from the requirements of these Regulations when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by the Regulations (for full requirements, see Section 60.6 of the National Flood Insurance Program regulations).

VIOLATION – means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificates, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (d)(3), (e)(2), (3)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION – means 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 flood plains of coastal or riverine areas.



**ARTICLE 3
GENERAL PROVISIONS**

**SECTION A
LANDS TO WHICH THESE REGULATIONS APPLY**

The Regulations shall apply to all areas of special flood hazard within the jurisdiction of Hunt County Commissioners Court.

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

The areas of special flood hazard identified by the Federal Emergency Management Agency on its' Flood Insurance Rate Maps dated September 4, 1991, and any revisions thereto, are hereby adopted by reference and declared to be a part of these regulations.

**SECTION C
ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be required to ensure conformance with the provisions of these Regulations.

**SECTION D
COMPLIANCE**

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

**SECTION E
ABROGATION AND GREATER RESTRICTIONS**

These Regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these Regulations and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**SECTION F
INTERPRETATION**

In the interpretation and application of these Regulations, 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 these Regulations 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. These Regulations do not imply that land outside the areas of special flood hazard, or uses permitted within such areas, will be free from flooding or flood damages. These Regulations 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 these Regulations or any administrative decision lawfully made thereunder.

ARTICLE 4**ADMINISTRATION****SECTION A****DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The Assistant to the Hunt County Judge, Katrina Pemberton, is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B**DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

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 these Regulations.
- (2) Review permit application to determine whether proposed building site will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of these Regulations.
- (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 Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data or floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.
- (9) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, and AH on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).
- (10) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones a1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (11) The Floodplain Administrator shall be responsible for the monitoring of development and enforcement of these Regulations in the County's floodplain areas to ensure that no structure or land is located, altered, or had its' use changed without full compliance with the terms of these Regulations and other applicable regulations. All other Hunt County Departments that observe or otherwise learn of non-compliance with these Regulations are to inform the Floodplain Administrator as soon as possible.
- (12) The designee of the Floodplain Administrator for assistance with enforcement actions and issuance of citations to violators of these Regulations will be the Environmental Enforcement Office of Hunt County, Texas.

SECTION C
PERMIT PROCEDURES

- (1) Application for a 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, 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 new and substantially improved structures;

- (b) Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
 - (c) A certificate from a registered professional engineer or architect that the nonresidential flood proofed;
 - (d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (e) Maintain a record of all such information in accordance with Article 4, Section (B)(1).
- (2) Approval or denial of a Development Permit by the Floodplain 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 compatibility of the proposed use with existing and anticipated development;
 - (d) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (e) The danger that materials may be swept onto other lands to the injury of others;
 - (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; and
 - (j) The relationship of the proposed use to the comprehensive plan for that area.

SECTION D
VARIANCE PROCEDURES

- (1) The Hunt County Commissioners Court shall hear and render judgment on requests for variances from the requirements of these Regulations
- (2) The Hunt County Commissioners Court shall hear and render judgment on an appeal only when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of these Regulations.
- (3) Any person or persons aggrieved by the decision of the Hunt County Commissioners Court may appeal such decision in the courts of competent jurisdiction.
- (4) The Floodplain Administrator shall maintain a record of all action involving an appeal, and shall report variances to the Federal Emergency Management Agency 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 for the in the remainder of these Regulations.
- (6) 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 one foot above the base flood level, providing the relevant factors in Section C(2) of the Article have been fully considered. As the lot size increases beyond the on-half acre, the technical justification required for issuing the variance increases.
- (7) Upon consideration of the factors noted above and the intent of these Regulations, the Hunt County Commissioners Court may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these Regulations (Article I, 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) Variances may be issued for the repair or rehabilitation of historic structure 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.
- (10) 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) 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 laws or ordinances.
 - (c) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below one foot above the base flood elevation, and that the cost of flood insurance would be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (11) Variances may be issued by the Commissioners Court for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (a) The criteria outlined in Article 4, Section D(1)-(9) are met; and,
 - (b) 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.

SECTION E
ENFORCEMENT: PENALTIES FOR NONCOMPLIANCE

- (1) No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of these Regulations and other applicable regulations. Violation of the provisions of these Regulations by failure to comply with any of its' requirements (including violations of conditions and safeguards established in connection with conditions) shall be punishable by the following:
 - (a) Criminal Penalty: Pursuant to Sections 16.311 et seq. of the Texas Water Code, any violation of these Regulations is a Class C misdemeanor. Each

violation of these Regulations and each day of a continuing violation is a separate offense.

- (b) **Civil Penalty:** Pursuant to Sections 16.311 et seq. of the Texas Water Code, a person who violates these Regulations is subject to a civil penalty of not more than \$100 for each act of violation and for each day of violation.
- (c) **Civil Suit for Injunction:** Pursuant to Sections 16.311 et seq. of the Texas Water Code, if it appears that a person has violated, is violating, or is threatening to violate these Regulations, Hunt County may institute a civil suit in the appropriate court for:
 - (i) Injunctive relief to restrain the person from continuing the violation or threat of violation, including an order directing the person to remove illegal improvements and restore preexisting conditions;
 - (ii) The assessment and recovery of the civil penalty provided by Article 4, Section E(1)(a); or,
 - (iii) Both the injunctive relief and the civil penalty.
- (2) Nothing contained herein shall prevent Hunt County from taking other lawful action as is necessary to prevent or remedy any violation.
- (3) Upon an initial discovery that a structure or land is in violation of these Regulations, the Floodplain Administrator and/or his designee shall issue a 30-day written warning to the owner, lessee, occupant, agent and/or person in charge of the premises (collectively, the "violation"). Within 30 days from the initial warning, the violator must either:
 - (a) Appeal the violation within the first 10 days by submitting appropriate data in writing to the Floodplain Administrator that proves that either the structure is in compliance with these Regulations or is not actually located within the floodplain;
 - (b) Restore the land to its' prior condition and/or remove the illegal structure from the floodplain; or,
 - (c) Attempt to bring the violation into compliance with these Regulations by submitting a complete application for Development Permit as described in Article 4, Section C.
- (4) If after 30 days from an initial written warning given under Article 4, Section E(3), the violation still exists, no appeal has been made, and the violator has not applied for a Development Permit:

- (a) A citation will be issued to the violator along with a second warning to restore the land or remove the illegal structure within 30 days.
 - (b) If a violator has not complied with a second warning after 30 days, the Floodplain Administrator shall inform the District Attorney who will seek an injunction against the violator.
- (5) If an appeal under Article 4, Section E(3)(a) is made to, and subsequently denied by, the Floodplain Administrator:
- (a) A second warning letter shall be issued to the violator including notice to restore the land or remove the illegal structure from the floodplain within 60 days.
 - (b) If the violator has not complied with the second warning after 60 days, the Floodplain Administrator shall inform the District Attorney who will seek an injunction against the violator.
- (6) If an application for a Development Permit is submitted to, but not approved by, the Floodplain Administrator, the violator may request a variance from these Regulations from the Hunt County Commissioners Court under Article 4, Section D. This request must be submitted in writing to the Commissioners Court within ten days of written notification from the Floodplain Administrator that the Development Permit has been denied.
- (7) If an application for a Development Permit is submitted to, but not approved by, the Floodplain Administrator:
- (a) A second warning letter shall be issued to the violator including notice to restore the land or remove the illegal structure from the floodplain within 60 days.
 - (b) If the violator has not complied with the second warning after 60 days, the Floodplain Administrator shall inform the District Attorney who will seek an injunction against the violator.
- (8) If a variance is requested, but not granted by the Commissioners Court:
- (a) A second warning letter shall be issued to the violator, including notice to restore the land or remove the illegal structure from the floodplain, within 60 days.
 - (b) If the violator has not complied with the second warning after 60 days, the Floodplain Administrator shall inform the District Attorney who will seek an injunction against the violator.
- (9) If a Development Permit is granted, but the violation is not brought into compliance before the Development Permit expires:

- (a) A warning letter shall be issued to the violator including notice to either restore the land, remove the illegal structure from the floodplain, or to submit a satisfactorily complete application for another Development Permit within 30 days.
 - (b) If, after the aforementioned 30 days, the violator has not either restored the land, removed the illegal structure from the floodplain, or submitted a satisfactorily complete application for another Development Permit, the County will seek an injunction against the violator.
- (10) A violator, as described in Article 4, Section E(3), will be considered in continuing violation of these Regulations if the violator removes a structure from one location within the floodplain of Hunt County and places the structure in a non-compliant manner within another Hunt County floodplain location within one year of the initial violation.

ARTICLE 5**PROVISIONS FOR FLOOD HAZARD REDUCTION****SECTION A
GENERAL STANDARDS**

In all areas of special 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 resistant to 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 flood waters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters; and,
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from the during flooding

**SECTION B
SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in:

- (i) Article 3, Section B;
- (ii) Article 4, Section B(8); or,
- (iii) Article 5, Section C(4),

The following provisions are required:

- (1) Residential Construction – new construction and substantial improvements of any residential structure shall have the lowest floor (including basement), elevated to or above one foot 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 the subsection as proposed in Article 4, Section C(1)(a) is satisfied.
- (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 constructions, 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 flood proofed shall be maintained by the Floodplain Administrator.
- (3) Manufactured Homes – require that all manufactured homes to be placed within Zone A on Hunt County's FHB or FIRM shall be installed using methods and practices which 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 requirement for resisting wind forces.

SECTION C

STANDARDS FOR SUBDIVISION PROPOSALS

- (1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Section B, C, and D of these Regulations.
- (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of these Regulations.
- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and

subdivisions which are greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B(8) of these Regulations.

- (4) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce the exposure to flood hazards.
- (5) 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.

SECTION D

STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist, and where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade, at least as high as one foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of non-residential structures shall:
 - (a) Have the lowest floor (including basement) elevated above the highest adjacent grade, at least as high as one foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or,
 - (b) Together, with attendant utility and sanitary facilities, be designed so that below one foot above 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 of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of the Section, as proposed in Article 4, Section C(1)(a), are satisfied.

- (4) Within Zones AH or AO adequate drainage paths shall be required around structures on slopes to guide flood waters around and away from proposed structures.

SECTION E

FLOODWAYS

Floodways located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If Article 5, Section E(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
- (3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.