

RESOLUTION NO. #16,377

FILED FOR RECORD
at 12:11 o'clock P M

SEP 22 2020

JENNIFER LINDENZWEIG
County Clerk, Hunt County, TX
By J. Lindenzweig

**RESOLUTION AND ORDER
OF THE COMMISSIONERS COURT OF HUNT COUNTY, TEXAS
AMENDING HUNT COUNTY REOLUTION NO. 16,148,
THE FLOOD DAMAGE PREVENTION ORDINANCE**

WHEREAS, the Commissioners' Court of Hunt County, Texas adopted Resolution No. 16, 148, the Hunt County Flood Damage Prevention Ordinance, on May 26, 2020; and

WHEREAS, pursuant to the Flood Control Insurance Act, Texas Water Code, Sec. 16.315, the State of Texas has delegated responsibility to local governmental units to adopt regulations designed to minimize flood losses provided that the same are not less stringent than the National Flood Insurance Program; and

WHEREAS, the Commissioners' Court of Hunt County hereby deems it in best interest of the county to amend the Hunt County Flood Damage Prevention Ordinance and the regulations therein.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that Hunt County Resolution No. 16,148, the Flood Damage Prevention Ordinance, is hereby amended as follows:

1. Article 1, Section A. is hereby deleted in its entirety and the following is inserted in lieu thereof:

“Section A. Statutory Authorization

The Legislature of the State of Texas has required, in the Flood Control Insurance Act, Texas Water Code, Section 16.3145, that the governing body of each county adopt ordinances necessary for the county to be eligible to participate in the National Flood Insurance Program and, in Section 16.315, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Commissioners Court of Hunt County, Texas does ordain as follows:”

2. Article 1, Section B. is hereby amended to add the following sub-part:

“(3) Pursuant to Section 16.315 of the Flood Control Insurance Act, Hunt County is hereby authorized to take all necessary and reasonable actions that are not less stringent than the requirements and criteria of the National Flood Insurance Program, including without limitation those requirements and criteria listed in Sec. 16.315 of the Flood Control Insurance Act.”

3. Article 1, Section D.(1) is hereby deleted in its entirety and the following is inserted in lieu thereof:

“(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause unreasonable increases in fold heights or velocities;”

4. Article 2, Definitions is hereby amended as follows:

- a. The Article’s preamble is deleted in its entirety and insert the following in lieu thereof:

“Unless specifically defined below or herein, 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.

All terms defined in this Definitions section and used in this document shall be understood as defined terms whether they are capitalized herein or not.

Any time the phrase “new construction and/or substantial improvements” or the like, whether capitalized or not, is used herein it shall be replaced with and understood as “Development, including, without limitation, New Construction, Substantial Damage and/or Substantial Improvement”.”

- b. The following definition is added:

“**ENGINEERING STUDY** – means an engineering study by a registered professional engineer.”

5. Article 3, Section C. is hereby deleted in its entirety and the following is inserted in lieu thereof:

“Section C. Establishment of Development Permit. A Floodplain Development Permit shall be required prior to any development within a Floodplain, Regulatory Floodway or Flood-Prone Area”

6. Article 3, Section D. is hereby deleted in its entirety and the following inserted in lieu thereof:

“Section D. Compliance. No development, structure and/or land, as appropriate, shall hereafter be undertaken, altered, located or have its use changed without full compliance with the terms of this ordinance and all applicable regulations.”

7. Article 3, Section F. is hereby amended to delete subpart (3) thereof in its entirety and insert the following in lieu thereof:

“(3) deemed neither to limit nor repeal any other powers granted under Federal, State or local law.”

8. Article 4, Section B.(2) is hereby amended as follows:

“(2) Review permit applications and accompanying engineering reports and other required or requested reports or data to determine whether the proposed development, including the placement of manufactured homes, will be reasonably safe from flooding and will not unreasonably increase flooding potential in other areas or unreasonably impact natural watercourse flow and drainage.”

9. Article 4, Section C. is hereby amended as follows:

a. Article 4, Section C.(1) is hereby deleted in its entirety and the following is inserted in lieu thereof:

“(1) Application for development in a Floodplain, Regulatory Floodway or Flood Prone Area of Hunt County shall be made using a Floodplain Development Permit (available from the Floodplain Administrator) Application. Such application such include the forms furnished by the Hunt County Health Department together with accompanying information, reports and studies reasonably requested by the Floodplain Administrator that are, in his/her reasonable opinion, permitted by Federal, State or Local law and are reasonably necessary to determine whether the proposed development meets the terms hereof. Such accompanying information shall include, but not be limited to the following:

- (a) A complete Engineering Study of the development and/or related property, including, without limitation, a “No Impact” certification, reasonably acceptable to the Floodplain Administrator;
- (b) An elevation (in relation to mean sea level), of the lowest floor (including the basement) of all Development, including, without limitation, New Construction, Substantial Damage and/or Substantial Improvement;
- (c) A certificate from a registered professional engineer or architect that any nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B(2);
- (d) A description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of the proposed Development; and
- (e) Any follow up or more detailed reports, studies, etc. that are reasonably requested by the Floodplain Administrator.”

b. Article 4, Section C.(2) is hereby amended to delete the (2) preamble language and (2)(a) and to insert the following in lieu thereof:

“(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on Federal law (including, without limitation, 44

CFR 60), State law (including, without limitation, Texas Water Code Chapter 16), the provisions of this ordinance and the following factors:

(a) The danger to life, health, safety, welfare and property due to flooding or erosion damage;”

c. Article 4, Section C. is hereby amended to add the following provision:

“(3) The Floodplain Administrator shall notify an applicant of the approval or denial of his or her Floodplain Permit Application and may attach such conditions to the approval of an application as he/she deems necessary to further the purpose and objectives of this ordinance., if such application is denied, the general reason for denial together with, if possible, option(s) to remedy such reason for denial.”.

10. Article 4, Section D. is hereby deleted in its entirety and the following is inserted in lieu thereof:

“SECTION D. VARIANCE PROCEDURES

- (1) The Floodplain Administrator shall hear and render judgement on requests for variances from the requirements of this ordinance. Each variance request shall be accompanied by a Floodplain Development Permit Application together with all required accompanying documentation and an explanation of the reason for the variance request.
- (2) An Appeal Board, as established by the community, shall hear and render judgment on an appeal of the Floodplain Administrators variance determination 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 this ordinance.
- (3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- (4) 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.
- (5) Variances may, but are not required to be, issued for:
 - (a) 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 ordinance;
 - (b) 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;
- (c) New construction, Substantial Improvements and other Development as necessary provided that (i) the criteria outlined in Article 4, Section D(8) are met and (ii) the Development is protected by methods that minimize flood damages during the base flood and create no additional threats to public health or safety; and
- (6) Upon consideration of the factors noted herein and the intent of this ordinance, the Floodplain Administrator and/or Appeal Board may attach such conditions to the granting of variances as he/she/it deems necessary in keeping with the same.
 - (7) No variance shall be issued within any Regulatory Floodway if any increase in flood levels during the base flood discharge would result.
 - (8) 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 be issued only 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 health and safety, extraordinary public expense, create nuisances, cause fraud on or victimize the public, or conflict with local laws or ordinances.
 - (c) Any applicant for which a variance is granted shall be given written notice of the variance which includes variance conditions as well as notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.”

11. Article 5, Section A. is hereby amended as follows:

a. The Article’s preamble is deleted in its entirety and insert the following in lieu thereof:

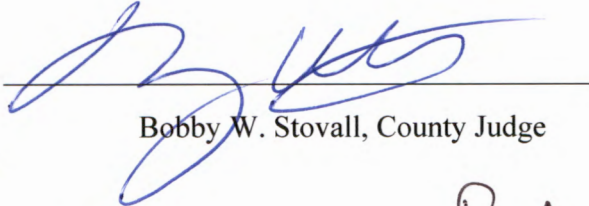
“In all areas of special flood hazards the following provisions, at a minimum and in addition to other specific requirements as may be issued by the Floodplain Administrator in response to specific Floodplain Development Permit Application details, are required for all Development including, without limitation, New Construction, Substantial Damage and/or Substantial Improvement:”

b. The following provisions are added:

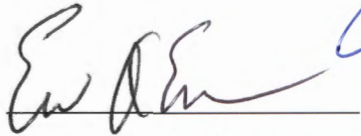
“(8) All electrical controls of for or relating to any septic system shall be installed a minimum of two (2) feet above the Base Flood Elevation.

(9) All Development, including, without limitation, New Construction, Substantial Improvements and Substantial Damage shall have a 200 foot setback from the edge of the Floodplain, Regulatory Floodway or Flood Prone Area of Hunt County.”

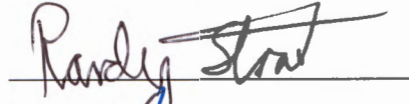
12. This Resolution and Order of the Commissioners Court of Hunt County, Texas Amending Hunt County Resolution No. 16, 148, The Flood Damage Prevention Ordinance, is hereby approved, passed and becomes effective this 22 day of September 2020.



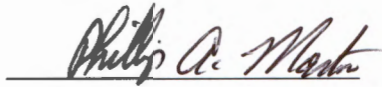
Bobby W. Stovall, County Judge



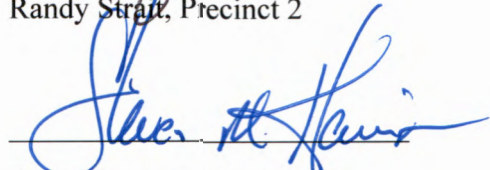
Eric Evans, Precinct 1



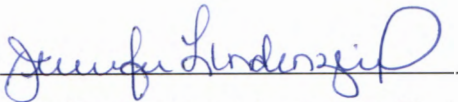
Randy Strait, Precinct 2



Phillip Martin, Precinct 3



Steve Harrison, Precinct 4

Attest: 

Jennifer Lindenzweig, County Clerk

