

CITY OF JOHNSON CITY

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 3.04 FLOOD DAMAGE PREVENTION OF THE CITY OF JOHNSON CITY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE

RECITALS

WHEREAS, the City Council of the City of Johnson City ("City") on April 15, 2016, enacted Article 3.04 Flood Damage Prevention of the City's Code of Ordinances regarding regulations designed to minimize flood losses; and

WHEREAS, the City Council desires to update and amend Article 3.04 for flood stormwater management; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Johnson City:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. AMENDMENT, ADOPTION AND ENACTMENT

The City Council of the City of Johnson City hereby amends and enacts the amendments to Article 3.04 Flood Damage Prevention of the City's Code of Ordinances, as depicted below and incorporated fully herein for all intents and purposes.

Article 3.04 is hereby revised with strikethroughs constituting deleted text and underlines as new text (excluding section headings), and to read as follows:

Sec. 3.04.004 Administration

- (a) Designation of the floodplain administrator. The ~~city emergency management coordinator~~ Chief Administrative Officer or designee is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program regulations) pertaining to floodplain management.

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Sec. 3.04.005 Flood hazard reduction standards

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(b) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 3.04.003(b), section 3.04.004(b)(8), or subsection (c)(3) below, the following provisions are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to ~~eighteen (18)~~ twenty-four (24) or more inches 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 this subsection as proposed in section 3.04.004(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 ~~eighteen (18)~~ twenty-four (24) or more inches 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 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.

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(4) Manufactured homes.

(B) Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites:

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(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 twenty-four (24) or more inches above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(v) ~~[Note: this subsection is not numbered in the online code but intended to be subsection (v)] be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to eighteen (18) or more inches above the base flood elevation and be securely~~

~~anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~

(C) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (b)(4) of this section be elevated so that either:

(i) The lowest floor of the manufactured home is ~~eighteen (18)~~ twenty-four (24) or more inches above the base flood elevation; or

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(d) Standards for areas of shallow flooding (AO/AH zones). Located within the areas of special flood hazard established in section 3.04.003(b), are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 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; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to ~~eighteen (18)~~ twenty-four (24) or more inches above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures;

(A) Have the lowest floor (including basement) elevated to ~~eighteen (18)~~ twenty-four (24) or more inches above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or

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Sec. 3.04.006 Penalty

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(c) Nothing herein contained shall prevent ~~commissioners court~~ the City Council from taking such other lawful action as is necessary to prevent or remedy any violation.

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ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and approval.

PASSED AND APPROVED this, the _____ day of _____, 2022,
by a majority vote of the City Council of Johnson City, Texas.

CITY OF JOHNSON CITY, TEXAS

Rhonda Stell, Mayor

Attest:

Whitney Walston
City Secretary