



THE CITY OF

JARRELL

ORDINANCE NO. 2024-0702-04

AN ORDINANCE OF THE CITY OF JARRELL, TEXAS, UPDATING CHAPTER 4, ALSO KNOWN AS “BUILDING REGULATIONS” AND CHAPTER 12 ALSO KNOWN AS “UTILITIES” IN THE CODE OF ORDINANCES, CHAPTER 3, ALSO KNOWN AS “APPLICATION AND PERMITS”, CHAPTER 5, ALSO KNOWN AS “SUBDIVISION, INFRASTRUCTURE, AND PUBLIC IMPROVEMENT”, CHAPTER 6, ALSO KNOWN AS “SITE DEVELOPMENT AND DESIGN STANDARDS”, SPECIFICALLY SECTION 6.05, PREVIOUSLY RESERVE, NOW “FLOODPLAIN MANAGEMENT”, CHAPTER 7, ALSO KNOWN AS “ENFORCEMENT AND COMPLIANCE: ALL PART OF EXHIBIT 9A IN THE UNIFIED DEVELOPMENT CODE. SETTING FORTH A PENALTY; PROVIDING FOR SEVERABILITY AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER; OPEN MEETINGS CLAUSE; EFFECTIVE DATE CLAUSE.

WHEREAS, the City Council of the City of Jarrell will adopt the following policies regarding Chapter 4 and Chapter 12 in the Code of Ordinances and Chapter 5, 6, and 7 of Exhibit 9A in the Unified Development Code (UDC) describe in Exhibit A hereto and incorporated herein and;

WHEREAS, the City of Jarrell recognizes the importance of accurate flood risk assessments and effective floodplain management to enhance public safety, protect property, and support sustainable development; and

WHEREAS, participation in the Williamson County Atlas 14 Flood Preparedness initiative will provide the City of Jarrell with updated floodplain maps and data, enabling better planning and response to flood events; and

WHEREAS, the National Flood Insurance Program (NFIP) provides affordable flood insurance to property owners, renters, and businesses, and encourages communities to adopt and enforce floodplain management regulations to reduce future flood risks; and

WHEREAS, the City of Jarrell wishes to take proactive measures to mitigate flood risks and enhance community resilience by adopting the necessary floodplain management regulations as required by the NFIP.

WHEREAS, The City Council finds that the new ordinance promotes the health, safety and welfare of the City of Jarrell; and

WHEREAS, on July 2, 2024 the City Council the City Council finds that all notice requirements have been met and adopt this ordinance.





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

SECTION I: ADOPTION OF FLOODPLAIN MANAGEMENT POLICIES

Proposed changes to Chapter 4 and 12 are reflected in Exhibit A, attached herein to. Proposed changes to Chapter 5, 6, and 7 are reflected in Exhibit B, attached herein to.

SECTION II: SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

SECTION III: REPEALING CLAUSE

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION IV. OPEN MEETINGS CLAUSE

The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this ordinance and the subject hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION V: EFFECTIVE DATE

This ordinance shall take effect immediately upon its passage and approval.

PASSED AND APPROVED on this 2nd day of July 2024 at a meeting of the City Council of the City of Jarrell, Texas.

THE CITY OF JARRELL

BY:

Patrick Sherek, Mayor



ATTEST:

Dianne Peace, City Secretary





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EXHIBIT A

CHAPTER 4.00 BUILDING REGULATIONS

§ 4.03.002 Definitions.

For the purpose of this article, certain terms, words and phrases shall have the meaning hereinafter ascribed thereto.

Agent. Any person authorized by the licensee of a trailer and motor home park to operate or maintain such park under the provisions of this article.

Building official. The legally designated inspection authority of the city, or his authorized representative.

Certificate of occupancy. A certificate issued by the building official for the use of a building, structure and/or land, when it is determined by him that the building, structure and/or land complies with the provisions of all applicable divisions of the city code.

City council. The governing body of the city.

City health officer. The legally designated head of the county health district or his authorized representative.

City official. The legally designated head of a city department or his authorized representative when acting in an official capacity.

Common access route or internal street. A private way which affords the principal means of access to individual lots or auxiliary buildings.

Fire chief. The legally designated chief of the fire department of the city, or his authorized representative.

License. A written license issued by the city council or its authorized representative, permitting a person to operate and maintain a trailer and motor home park under the provisions of this article and regulations issued hereunder.

Licensee. Any person licensed to operate and maintain a trailer and motor home park under the provisions of this article.

Manufactured home. A manufactured home as defined in V.T.C.A., Occupations Code, chapter 1201.

Manufactured/mobile home subdivision. A unified development of home lots arranged on a tract of land for permanent or semi-permanent location of homes which has been subdivided and is





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under ownership of one or more persons meeting all requirements of the city subdivision regulations.

Mobile home/recreation vehicle. A movable or portable dwelling constructed to be towed by a motor vehicle on its own wheels and chassis over state roads and highways under special permit. A mobile home is designed without a permanent foundation for permanent or semi-permanent living quarters. A mobile home, for the purposes of these regulations, shall also include any HUD-code manufactured home.

Modular home. A home that is built off site in modular components that are then transported to a residential site and erected on a permanent foundation as defined in V.T.C.A., Occupations Code, chapter 1201.

Permit. A written permit or certification issued by the building official permitting the construction, alteration, or extension of a trailer or motor home park, under the provisions of this article and regulations issued hereunder.

Person. Any natural individual, firm, trust, partnership, association or corporation.

Plot plan or site plan. Graphic representation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned; the dimensions also including the relation of each use to that adjoining and to the boundary of the property.

Police chief. The legally authorized police representatives of the city.

Recreational vehicle. A large motor vehicle equipped as living quarters.

Replacement. The act of moving one trailer or motor home from an existing stand and replacing it with another trailer or motor home.

Service building. A structure housing toilets, lavatory, and such other facilities as may be required by this article.

Sewer connection. The connection consisting of all pipes, fittings and appurtenances from the drain outlet of a trailer or motor home to the inlet of the corresponding service riser pipe of the sewage system serving the park.

Sewer service riser pipe. That portion of a sewer service which extends vertically to the ground elevation and terminates at a space.

Space. A plot of ground without a park designated for the accommodation of one unit, together with such open space as required by this article. This term also shall include the terms “lot,” “stand” and “site.”

Trailer and motor home park. A parcel of land authorized by the city council which is owned by an individual, a firm, trust, partnership, public or private association or corporation, and has been developed for rental or sale of lots to persons with HUD-code manufactured homes and not prohibited for such use by deed restrictions.





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Trailer or motor home or unit (recreational vehicle) (including trailer homes and travel trailers). Is a vehicle which stands on wheels and is built to be towed by a motor driven vehicle. A motor home (recreational vehicle) is a self-propelled vehicle which stands on wheels. Both are built to federal and state specifications to be licensed for operation on public roads and highways, and are not considered mobile homes.

Water connection. The connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within a trailer or motor home.

Water riser pipe. That portion of the private water service system serving a park, which extends vertically to the ground elevation and terminates at a designated point at a trailer or motor home space.

Unified development code. The unified development code of the city.

Permit Review: Review all development permits to determine that the permit requirements of this ordinance have been satisfied

Use of Other Base Flood Data: When base flood elevation data has not been provided, the Floodplain Administrator, or designee shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source.

Information to be Obtained and Maintained: Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, and whether or not the structure contains a basement.

Community Coordination: Maintain documentation of all appeals and variances and report any variances to FEMA.

ARTICLE 4.04 SUBSTANDARD BUILDINGS

§ 4.04.001 Chapter 214.

§ 4.04.002 Definitions.

§ 4.04.003 Declared a nuisance.

§ 4.04.004 Inspections and duties of the code enforcement authority.

§ 4.04.005 Notice of dangerous building or dangerous condition of property.

§ 4.04.006 Securing dangerous building.

§ 4.04.007 Sufficiency of notice.

§ 4.04.008 Composition of the board of adjustment and appeals.

§ 4.04.009 Duties of the board of adjustments and appeals.

§ 4.04.010 Appeal of an order of the board of adjustments and appeals.

§ 4.04.011 City council action.

§ 4.04.012 Judicial review.





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[§ 4.04.013 Assessment of expenses and penalties.](#)

[§ 4.04.014 Violations.](#)

[§ 4.04.015 Penalty.](#)

[§ 4.04.016 Enforcement of regulations.](#)

~~[§ 4.04.017 Application.](#)~~

~~[§ 4.04.018 Compliance.](#)~~

4.04.017. Application. This ordinance applies to all special flood hazard areas within the jurisdiction of the City of Jarrell, Texas. § 4.04.018. Compliance. No structure or land shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

4.04.018. Compliance. No structure or land shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

§ 4.07 Duties and Responsibilities of the Floodplain Administrator

4.07.001 Permit Review: Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

4.07.002 Use of Other Base Flood Data: When base flood elevation data has not been provided, the Floodplain Administrator, or Designee shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source.

4.07.003 Information to be Obtained and Maintained: Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, and whether or not the structure contains a basement.

4.07.004 Community Coordination: Maintain documentation of all appeals and variances and report any variances to FEMA.





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CHAPTER 12.00 UTILITIES

12.04.002 Public education and information program.

(a) Public education and information program goals. The city plans to improve public awareness of water use and conservation and encourage the efficient water use through a continued public education and information program. The goals for the program are as follows:

- (1)** Encourage water users to utilize water efficient fixtures and appliances so that less water is consumed;
- (2)** Effectively communicate water conservation practices that include:
 - (A)** Periodic checks of leak indicators on water meters;
 - (B)** Washing only full loads of clothes and dishes;
 - (C)** Using a bucket of water in lieu of a flowing hose to wash vehicles;
 - (D)** Turning off water while brushing teeth and washing hands;
 - (E)** Watering lawns, gardens, and shrubs during the evening as opposed to daytime hours during the heat of the day;
 - (F)** Periodic checks of irrigation systems to ensure proper operation;
 - (G)** Maintenance of faucets and spigots to stop leaks.

(b) Public information program elements.

- (1)** The continuing public education and information campaign on water conservation for the city includes the following elements:
 - (A)** Promote the city's water conservation measures.
 - (B)** Include water conservation information with monthly billing statements at least twice per year. Information will include material developed by city staff as well as material obtained from the TWDB, the TCEQ, and other sources.
 - (C)** Encourage local media coverage of water conservation issues and the importance of water conservation.
 - (D)** Make information on water conservation available online at www.cityofjarrell.com and to information on water conservation on the TWDB and TCEQ websites.
 - (E)** Additionally, this public education program will guide water users toward using water efficient plumbing fixtures and appliances, to utilize drought tolerant and native and adaptive plants which require less water and pesticides for landscaping, to find and repair plumbing leaks, and to take advantage of water conservation incentives where available.





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(2) The components of the education program include the following:

(A) Public service announcements.

The city will continue to publicize and promote the importance of water conservation by placing public service announcements on the city's website.

(B) Water conservation literature.

The city will make water conservation literature available. Water conservation information will be distributed to the public through water bills, the city's website, at city hall and in response to customer telephone calls requests for information.

(c) Public Education and Involvement for Floodplain Management

(1) **Community Meetings:** Conduct regular community meetings to inform residents about flood risks, floodplain management regulations, and the benefits of flood insurance.

(2) **Educational Campaigns:** Implement educational campaigns to increase public awareness of flood risks and preparedness measures.





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EXHIBIT B

Chapter 3.00

Applications and Permits

3.11 Development Permit Requirements

3.11.01 Permit Required: A permit shall be required for all proposed construction or other development in flood-prone areas, including the placement of manufactured homes.

3.11.02 Application for Permit: Applications for a permit shall be made to the Floodplain Administrator, or Designee on forms furnished by the city and may include plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; fill, storage of materials, drainage facilities, and the location of the foregoing.

Chapter 5.00

Subdivision, Infrastructure, and Public Improvement

5.10.10 Standards for Flood Hazard Reduction

5.10.10.01 Elevation Requirements:

A. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the base flood elevation.

B. All new construction and substantial improvements of non-residential structures shall have the lowest floor (including basement) elevated to or above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to or above the base flood elevation.

5.10.10.02 Construction Materials and Methods: All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and using methods and practices that minimize flood damage.

5.10.10.03 Anchoring: All new construction and substantial improvements shall be securely anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

5.10.10.04 Flood Vents: Enclosed areas below the lowest floor that are subject to flooding shall be provided with flood openings to allow for the automatic entry and exit of floodwaters.

Chapter 6.00

Site Development And Design Standards

§ 6.05. (Reserved) Floodplain Management

6.05.001 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:





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- a) 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;
- b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- d) Control filling, grading, dredging and other development which may increase flood damage;
and
- e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

6.05.002 Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

- a. APPEAL - means a request for a review of the Flood Plain Administrator's, or Designee interpretation of any provision of this Chapter or a request for a variance.
- b. APPEAL BOARD - The City of Georgetown's Planning and Zoning Commission.
- c. 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.
- d. BASE FLOOD ELEVATION - means the flood having a one percent chance of being equaled or exceeded each year in a given location.
- e. BASEMENT - means any area of the building having its floor sub grade (below ground level) on all sides.
- f. BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- g. 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.
- h. DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling,





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grading, paving, excavation or drilling operations, or storage of equipment or materials.

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- i. ELEVATED BUILDING - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- j. EXISTING CONSTRUCTION - means, for the purposes of determining rates, structures for which 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."
- k. 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.
- l. 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).
- m. 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; or
 - 2. the unusual and rapid accumulation or runoff of surface waters from any source.
- n. FLOOD ELEVATION STUDY - means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
- o. FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
- p. FLOOD INSURANCE STUDY (FIS) - see Flood Elevation Study
- q. FLOODPLAIN ADMINISTRATOR - Director of Inspection Services or his designated representative. • FLOODPLAIN or FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source, including, but not limited to "flooding" as defined herein.





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- r. **FLOOD MANAGEMENT** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
- s. **FLOODPLAIN MANAGEMENT REGULATIONS** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances such as a floodplain, grading, 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.
- t. **FLOOD PROTECTION SYSTEM** - means those physical structural works for which funds have been authorized, appropriated, 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.
- u. **FLOODPROOFING** - 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.
- v. **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, port facilities that are 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.
- w. **HIGHEST ADJACENT GRADE** - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- x. **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;**
 - 2. **Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a**





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district preliminarily determined by the Secretary to qualify as a registered historic district;

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 determined by the Secretary of the Interior; or b) Directly by the Secretary of the Interior in states without approved programs.

y. 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.

z. 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.

aa. LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of 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 non-elevation design requirement of Section 60.3 of the National Flood Program regulations.

bb. 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. The term "manufactured home" does not include a "recreational vehicle".

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

dd. 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.

ee. NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start 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.





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- ff. **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 regulations adopted by a community.
- gg. **PROFESSIONAL ENGINEER OR ARCHITECT** - An Engineer or Architect licensed/registered to practice in the State of Texas.
- hh. **RECREATIONAL VEHICLE** - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (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.
- ii. **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.
- jj. **RIVERINE** - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- kk. **SPECIAL FLOOD HAZARD AREA** - is the land in the 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 for the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-30, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.
- ll. **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 improvement 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 a 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





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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 part of a building, whether or not that alteration affects the external dimensions of the building.

mm. **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 DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

nn. **SUBSTANTIAL IMPROVEMENT** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent 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 a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

oo. **VARIANCE** - means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6(a) of the National Flood Insurance Program regulations).

pp. **VIOLATION** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3 (b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that documentation is provided.

qq. **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 floodplains of coastal or riverine areas.

6.05.003 General Provisions

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all special flood hazard areas within the jurisdiction of the City of Jarrell, Texas.





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SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Williamson County, Texas and Incorporated Areas," dated September 28, 1990, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM), dated September 26, 2008, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this Chapter.

SECTION D. COMPLIANCE

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

SECTION E. PENALTY FOR VIOLATION

Any building, structure, land fill or other means of restriction that has been illegally located within the floodplain shall be removed at the owner's expense within the stated time as set by the Flood Plain Administrator. Failure to do so by the owner of said property will be considered a misdemeanor and subject to the General Penalties as provided for in Chapter 1.08, Section 1.08.010 of the City of Jarrell Code of Ordinances. Further, the City of Jarrell, for the protection of its citizens, may remove or have the obstruction(s) removed from the floodplain and the owner billed. If payment for this service is not forthcoming, the City of Jarrell shall place a lien on said property.

SECTION F. ABROGATION AND GREATER RESTRICTIONS

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter conflicts with or overlaps with another legal issue or right, where this Chapter imposes a greater restriction, the provisions of this Chapter shall prevail.

SECTION G. INTERPRETATION

In the interpretation and application of this Chapter, 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 H. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Chapter 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. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the





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part of the community or any official or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

6.05.004 Administration

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Director/Building Official of the Inspection Services Department is hereby appointed the Floodplain Administrator, or Designee to administer and implement the provisions of this Chapter and other appropriate sections of Title 44 of the Code of Federal Regulations (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & 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 this Chapter.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve, or deny all applications for development permits required by adoption of this Chapter.
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 special flood hazard areas (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 currently the Texas Water Development Board, 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 and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 5.





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9. 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.
10. Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any time.
11. 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, 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 completes all of the provisions required by Section 65.12 of 44 CFR in the NFIP FEMA regulations.

SECTION C. PERMIT PROCEDURES

1. An 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, including the placement of manufactured homes; and the location of the foregoing in relation to special flood hazard areas. Additionally, the following information is required: a. The elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures; b. The elevation in relation to mean sea level to which any non-residential structure shall be floodproofed; c. A certificate from a registered professional engineer or architect that the 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 proposed development. e. A record of all such information must be maintained by the Floodplain Administrator in accordance with Article 4, Section (B) (1).
2. The approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter 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 danger that materials may be swept onto other lands to the injury of others; d. The compatibility of the proposed use with existing and anticipated





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development; e. The safety of access to the property in times of flood for ordinary and emergency vehicles; 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 floodwaters 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 or Unified Development Code for that area.

SECTION D. VARIANCE PROCEDURES

- 1. The Appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this Chapter. The Appeal Board for the City of Jarrell is the Planning and Zoning Commission.**
- 2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.**
- 3. Any person or persons aggrieved by the decision of the Appeal Board for the City of Jarrell, Texas may appeal such decision to the court 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 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 forth in the remainder of this Chapter.**
- 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 the base flood level, provided the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.**
- 7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter (Article 1, Section Q).**
- 8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.**





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9. Variances may be issued for 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 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 local laws or ordinances. c. Any applicant 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 the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that: i) the criteria outlined in Article 4, Section D (1) - (9) are met, and ii) 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.

6.05.005 Provision for Flood Harzard Reduction

SECTION A. GENERAL STANDARDS

In all special flood hazard areas, 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 that minimize 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;





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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 systems into flood waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all special flood hazard areas 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 improvement of any residential structure shall have the lowest floor (including basement), elevated at least twelve inches (12") 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 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 at least twelve inches (12") 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 the 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.
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 which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. 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 openings on separate walls having a





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total net area of not less than one 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 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 floodwater.

4. Manufactured Homes - a. All manufactured homes to be placed within Zone A, on the community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purpose 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 requirements for resisting wind forces. b. All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and 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, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated as least twelve inches (12") above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. c. All manufactured homes to be placed or substantially improved on sites in 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 paragraph (4) of this section be elevated so that either: i. the lowest floor of the manufactured home is at least twelve inches (12") above the base flood elevations, or ii. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles - All recreational vehicles to be placed on sites within Zones A1-30, AH and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C-1, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick





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disconnect type utilities and security devices, and has no permanently attached additions.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

- 1. All subdivision proposals including manufactured home parks and subdivisions shall be consistent with Article 1, Section B, C, and D of this Chapter to assure that such proposals minimize potential flood damage.**
- 2. All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this Chapter.**
- 3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which is greater than ten (10) lots or two (2) acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this Chapter.**
- 4. All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.**
- 5. All subdivision proposals including 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 special flood hazard areas 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 twelve inches (12") higher than the depth number specified in feet on the community's FIRM or at least two feet (2') if no depth number is specified.**
- 2. All new construction and substantial improvements of nonresidential structures must: i. have the lowest floor (including basement) elevated above the highest adjacent grade at least twelve inches (12") higher than the depth number specified in feet on the community's FIRM (at least two feet (2') if no depth number is specified), or: ii. 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 of effects of buoyancy.**





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3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C are satisfied.
4. Within Zones AH or AO, adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures, are required.

SECTION E. FLOODWAYS

Floodways are designated areas located within special flood hazard areas established in Article 3, Section B. Since the floodway is an extremely hazardous area due to the velocity of floodwater which carries 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, the community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12 in 44 CFR of the NFIP FEMA regulations.

Chapter 7.00 Enforcement and Compliance

7.05.10 Variance Procedures

7.05.10.01 Request for Variance: Any person desiring to undertake development activity subject to the provisions of this ordinance may apply to the Floodplain Administrator for a variance from these regulations.

7.05.10.02 Conditions for Variance: 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 the base flood level, provided the relevant factors are fully considered.

