

ORDINANCE NO. 2022-031

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HITCHCOCK, TEXAS AMENDING THE CODE OF ORDINANCES TITLE XV ENTITLED “LAND USAGE”, CHAPTER 152 ENTITLED “FLOOD HAZARD AREAS” AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS, the City of Hitchcock is authorized to regulate ordinances pursuant to Texas Local Government Code;

WHEREAS, the City Council of the City of Hitchcock, Texas needs to amend the Code of Ordinance Title XV Entitled “Land Usage”, Chapter 152 Entitled “Flood Hazard Areas”, by amending certain sections as set forth herein; and

WHEREAS, pursuant to TEX. WATER CODE § 16.135 *et seq.* the City of Hitchcock is authorized to adopt regulations designed to minimize flood losses that are not less stringent than the requirements and criteria of the National Flood Insurance Program and

WHEREAS, the City Council determines that amending Title XV, Chapter 152, will promote the health, safety and welfare of the City;

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

Section 1. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions, and requirements of this ordinance are reasonable and necessary to protect the public health, safety, and quality of life. The City of Hitchcock’s Code of Ordinances, Section 152.20 Entitled “Definitions” is hereby amended by deleting in its entirety the definition of “Water surface elevation” and replacing it with the following:

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

The City of Hitchcock’s Code of Ordinances, 152.40. - Designation of the floodplain administrator is hereby amended by deleting in its entirety all the existing language in Section 152.40 and replacing it with the following:

The Community Development Director or designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate section of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

The City of Hitchcock's Code of Ordinances, 152.51- Specific standards is hereby by amended by deleting in its entirety all the existing language in Section 152.51(1) and replacing it with the following:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the top of the lowest living floor, elevated 2 ft. or more above the base flood elevation. Elevation of residential structures in the Special Flood Hazard Areas (zones AE and VE) with fill dirt is prohibited on properties less than one (1) acre in size. For properties greater than one (1) acre, a drainage plan developed by a registered professional engineer utilizing hydrologic and hydraulic analysis performed in accordance with standard engineering practice is required to demonstrate that utilization of any such fill dirt on the property will not unnaturally direct floodwaters to surrounding properties and assures compliance with state law and City of Hitchcock Drainage Policy.

The City of Hitchcock's Code of Ordinances, 152.55 - Coastal high hazard areas is hereby amended by deleting in its entirety all the existing language in Section 152.55(7) and re-numbering 152.55(8) as 152.55(7).

Section 2. This ordinance shall be cumulative of all provisions of the City of Hitchcock, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

Section 3. It is hereby declared to be the intention of the City Council of the City of Hitchcock that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should 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, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. All rights and privileges of the City of Hitchcock are expressly saved as to any and all violations of the provisions of any Ordinances affecting land use or development, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 5. This Ordinance shall be effective immediately upon the passage, approval and publication as required by law.

PASSED AND APPROVED this the 14th day of November, 2022.



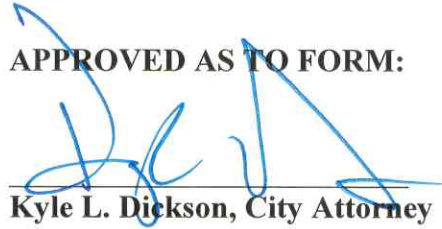
Christopher E. Armacost, Mayor
City of Hitchcock

ATTEST:



Ruth Ann Sorrell, City Secretary
City of Hitchcock

APPROVED AS TO FORM:



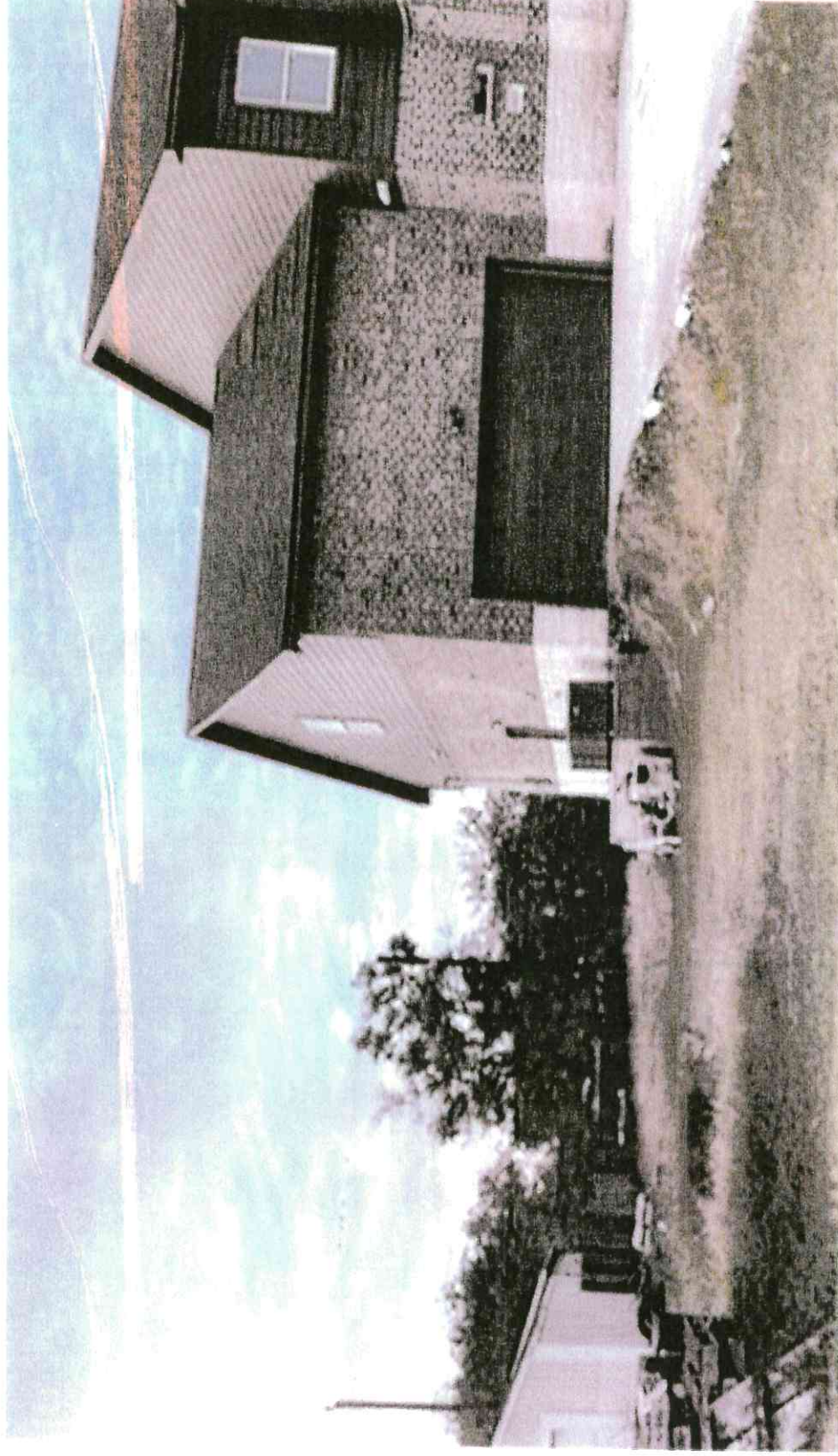
Kyle L. Dickson, City Attorney
City of Hitchcock



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