

## **ORDINANCE NO. 2023-014**

**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 § 16.315 *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 definitions of "Mean Sea level" and "Water surface elevation" and replacing them with the following;

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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, Section 152.40 Entitled "Designation of the floodplain administrator" is hereby amended by deleting in its entirety 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, Section 152.51(1), (2), and (4)(b) & (c) Entitled "Specific standards" are hereby amended by deleting in its entirety and replacing it with the following:

152.51(1) Residential construction. New construction and substantial improvement of any residential structure shall have the top of the lowest living floor (including basement) and any equipment servicing the structure 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.

150.51(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) and any equipment servicing the structure elevated 2 ft. or more above the base flood level or together with attendant utility and sanitary facilities, be designed so that below this same 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.

150.51(4)(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 (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, be elevated on a permanent foundation such that the lowest floor of the manufactured home, along with any equipment servicing the manufactured home, is elevated 2 ft. or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral

movement.

150.51(4)(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 (4) of this section be elevated so that either:

- (i) The top of the lowest floor of the manufactured home along with any equipment servicing the manufactured home, is 2 ft. or more above the base flood elevation, and
- (ii) The manufactured home chassis is supported by reinforced piers or other permanent foundation elements adequately anchored to resist flotation, collapse, and lateral movement.

The City of Hitchcock's Code of Ordinances, Section 152.53(1) & (2) Entitled "Standards for areas of shallow flooding (AO/AH zones)" are hereby amended by deleting in its entirety and replacing it with the following:

152.53(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated 2 ft. or more 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 three (3) feet if no depth number is specified).

152.53(2) All new construction and substantial improvements of non-residential structures;

(a) Have the lowest floor (including basement) elevated 2 ft. or more 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 three (3) feet if no depth number is specified); or

(b) Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, 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.

The City of Hitchcock's Code of Ordinances, Section 152.55(3)(i) Entitled "Coastal high hazard areas" is hereby amended by deleting in its entirety and replacing it with the following:

152.55(3)(i) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated 2 ft. or more above the base flood elevation.

The City of Hitchcock's Code of Ordinances, Section 152.55(7) Entitled "Coastal high hazard areas" is hereby amended by deleting in its entirety Section 152.55(7) and renumbering



Section 152.55(8) to Section 152.55(7).


**Section 2.** This ordinance shall be cumulative of all provisions of the City of Hitchcock, 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.

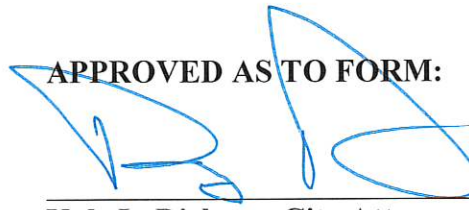
**Section 5.** This Ordinance shall be effective immediately upon the passage, approval and publication as required by law.

**PASSED AND APPROVED** this the 31st day of July 2023.

  
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**Christopher E. Armacost, Mayor**  
City of Hitchcock

**ATTEST:**

  
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**Debbie C. Nesbitt, City Secretary**  
City of Hitchcock

**APPROVED AS TO FORM:**  
  
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**Kyle L. Dickson, City Attorney**  
City of Hitchcock