

JOHNSON COUNTY COMMISSIONERS COURT

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MAR 27 2019

Becky Ivey
County Clerk, Johnson County Texas

BY [Signature] DEPUTY

JERRY D. STRINGER
Commissioner Pct. #3

LARRY WOOLLEY
Commissioner Pct. #4

RICK BAILEY
Commissioner Pct. #1

ROGER HARMON
County Judge

Carla Hester
Assistant to Commissioner's Court

KENNY HOWELL
Commissioner Pct. #2

THE STATE OF TEXAS

COUNTY OF JOHNSON

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§
§

ORDER #2019-17

**AN ORDER OF THE JOHNSON COUNTY COMMISSIONERS COURT:
APPROVING AND ADOPTING THE REVISED JOHNSON COUNTY
FLOOD DAMAGE PREVENTION ORDER OF 2019; THE DIGITAL FLOOD
INSURANCE RATE MAPS REVISION EFFECTIVE APRIL 5, 2019 (FIRM); AND
THE FOURTH REVISED COUNTY WIDE FLOOD INSURANCE STUDY (FIS) FOR
JOHNSON COUNTY, TEXAS AND INCORPORATED AREAS EFFECTIVE APRIL
5, 2019, NUMBER 48251CV001B AND 48251CV002B**

The Johnson County Commissioners Court met on March 27, 2019 in Special Session and held a public hearing to consider the adoption of the Revised Johnson County Flood Damage Prevention Order of 2019; adoption of Digital Flood Insurance Rate Maps Revision Effective April 5, 2019 (FIRM) for Johnson County, Texas; and adoption of the Fourth Revised Countywide Flood Insurance Study (FIS) for Johnson County, Texas and Incorporated Areas Effective April 5, 2019, Number 48251CV001B and 48251CV002B.

The Public Hearing was properly published in the Cleburne Times Review, on March 15, 2019, and on March 16, 2019 and placed on the County Web Page and on the bulletin board of the Johnson County Commissioners Court at the Johnson County Courthouse.

A copy of the Revised Johnson County Flood Damage Prevention Order of 2019, the Digital Flood Insurance Rate Maps Revision (FIRM) to be effective April 5, 2019 and the Flood Insurance Study (FIS) for Johnson County, Texas and Incorporated Areas Revision Effective April 5, 2019, Number 48251CV001B and 48251CV002B was posted via links on the Johnson County internet site at www.johnsoncountytexas.org on March 18, 2019 and remained there until date of this order.

A motion was made by Commissioner Howell and seconded by Commissioner Woolley to: (1) approve the adoption of the Revised Johnson County Flood Damage Prevention Order of 2019; (2) to approve the adoption of the Digital Flood Insurance Rate Maps Revision Effective April 5, 2019 (FIRM) for Johnson County, Texas; and (3) to approve the adoption of the Fourth Revised Countywide Flood Insurance Study (FIS) for Johnson County, Texas and Incorporated Areas Effective April 5, 2019, Number 48251CV001B and 48251CV002B.

Said motion was approved by a vote of the Commissioners Court on the 27th day of March, 2019.

NOW THEREFORE BE IT RESOLVED AND ORDERED:

The Commissioners Court of Johnson County, Texas does hereby enter this order approving: (1) the adoption of the Revised Johnson County Flood Damage Prevention Order of 2019; (2) the adoption of the Digital Flood Insurance Rate Maps Revision Effective April 5, 2019 (FIRM) for Johnson County, Texas; and (3) the adoption of the Fourth Revised Countywide Flood Insurance Study (FIS) for Johnson County, Texas and Incorporated Areas Effective April 5, 2019, Number 48251CV001B and 48251CV002B

WITNESS OUR HAND THIS THE 27th DAY OF MARCH, 2019.



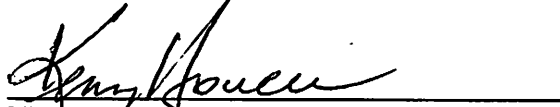
Roger Harmon, Johnson County Judge

Voted: yes, no, abstained



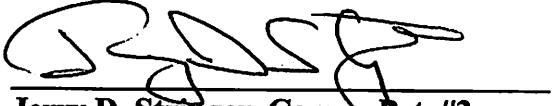
Rick Bailey, Comm. Pct. #1

Voted: yes, no, abstained



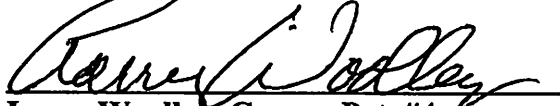
Kenny Howell, Comm. Pct. #2

Voted: yes, no, abstained



Jerry D. Stringer, Comm. Pct. #3

Voted: yes, no, abstained

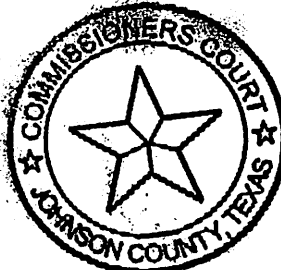


Larry Woolley, Comm. Pct. #4

Voted: yes, no, abstained

ATTEST:


Becky Ivey, County Clerk



60.3(d)

**REVISED JOHNSON COUNTY FLOOD DAMAGE PREVENTION ORDER
OF 2019**

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Commissioners Court of Johnson County, Texas does ordain as follows:

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of Johnson County, Texas are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

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

(1) 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;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE 2

DEFINITIONS

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

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTENANT STRUCTURE – means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF FUTURE CONDITIONS FLOOD HAZARD – means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth 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.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 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 of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) – The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

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.

CONDITIONAL LETTER OF MAP AMENDMENT (CLOMA) - means FEMA's comment or official letter on a proposed structure, group of structures, or parcel of land that upon construction would be located on existing natural ground above the base flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.

CONDITIONAL LETTER OF MAP REVISION (CLOMR) - means FEMA's comment or official letter on a proposed project that upon construction would affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing effective base flood elevations, the special flood hazard area, or the existing regulatory floodway.

CONDITIONAL LETTER OF MAP REVISION - FILL (CLOMR-F) - means FEMA's comment or official letter on a proposed structure, group of structures, or parcel of land that upon construction would result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.

CRITICAL FACILITY - means those facilities essential to the preservation of life and property, including, but not limited to, schools, nursing homes, hospitals, police stations, fire and emergency response installations, facilities used for the storage of critical records, and commercial installations which produce, use or store hazardous materials, or hazardous waste.

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.

DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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.

ELEVATION CERTIFICATE - means a document certified by a licensed professional land surveyor used for the purpose of establishing the lowest floor (including basement) elevation of a building. All new construction or substantial improvements to existing buildings in flood hazard areas, or within 100 feet of a flood hazard area, shall obtain an Elevation Certificate and provide the necessary information in accordance with the FEMA's (FEMA) National Flood Insurance Program (NFIP) instructions.

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."

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.

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).

EXPANSION OF A STRUCTURE – means an addition attached to, but outside of, either the vertical or horizontal confines of the existing structure or below the first floor of a building elevated on posts or piers, but which is not a – substantial improvement as defined by these Regulations.

FEMA – means Federal Emergency Management Agency.

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.

(2) the unusual and rapid accumulation or runoff of surface waters any source.

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.

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.

FLOOD INSURANCE STUDY (FIS) – see *Flood Elevation Study*

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN ADMINISTRATOR – is an individual responsible for enforcing the floodplain management regulations in this chapter.

FLOODPLAIN 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.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) 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.

FLOODPLAIN MITIGATION – means a hydraulically equivalent volume of floodplain storage sufficient to offset a reduction in floodplain storage or conveyance capacity.

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 area 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.

FLOOD PROOFING - 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.

FLOODWAY – see *Regulatory Floodway*

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.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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 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 the Interior; or

(4) Individually listed on a local inventory or 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.

LETTER OF MAP AMENDMENT (LOMA) – means FEMA’s comment or official letter of an amendment to the currently effective FEMA Flood Insurance Rate Map (FIRM) which established that a structure, group of structures, or a parcel of land is not located in a Special Flood Hazard Area (SFHA) as shown on the FIRM. A LOMA is issued only by FEMA.

LETTER OF MAP REVISION (LOMAR) – means FEMA’s modification to an effective FIRM or flood boundary and floodway map or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM, and sometimes the flood insurance study report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, or the flood insurance study report. A LOMR is issued only by FEMA.

LETTER OF MAP REVISION – FILL (LOMAR-F) – means a letter from FEMA stating that an existing structure or panel of land that has been elevated by fill would not be inundated by the base flood. A LOMR-F is issued only by FEMA.

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.

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.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely

for parking or 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 Insurance Program regulations.

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."

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.

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.

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.

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.

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.

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.

RIVERINE – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA – see *Area of Special Flood Hazard*

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

STRUCTURE - means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. The term includes a building which is in the course of construction, alteration or repair.

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.

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 term 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 to assure safe living 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.” For the purpose of determining the value of the structure before being repaired, reconstructed or improved, the Johnson County Central Appraisal District's assessed value for the structure will be used. If the applicant wishes to contest this value, an independent certified appraisal may be submitted by the applicant. Upon review and concurrence by the Johnson County Central Appraisal District, this appraised value for the structure will be used for determining if the improvement is substantial.

The Floodplain Administrator may require the submittal of an independent certified damage assessment in cases where the structure has suffered other than minor damage. In cases where the structure is covered by insurance and the insured losses for damage to the structure (excluding contents) amount to over 50% of the value of the structure, the structure shall be deemed substantially damaged regardless of any other data submitted.

UNINCORPORATED AREA – means the area on Johnson County, Texas, that is not within an incorporated city, town, village or other municipality defined by statute.

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

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.

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.

Zones on the Flood Insurance Rate Map (FIRM) have the following meanings:

Zone A: Areas of the base (1% or 100-year) flood where base flood elevations have not been determined.

Zone AE: Areas of the base (1% or 100-year) flood where base flood elevations have been determined.

Zone AH: Areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined.

Zone AO: Areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet.

Zone A99: Areas inundated by the (1% or 100-year) flood to be protected by a Federal flood protection system under construction; no base flood elevations are determined.

Zone V: Areas of coastal flooding with velocity (wave action); base (1% or 100-year) flood elevations not determined.

Zone VE: Areas of coastal flooding with velocity (wave action); base (1% or 100-year) flood elevations determined.

Zone X: (Shaded): Areas of the 0.2% flood or 500-year flood, areas of the base (1% or 100-year) flood with average depths of less than 1.0 foot or with drainage areas less than one (1) square mile, and areas protected by levees from the 1% or 100-year flood.

Zone X: (Unshaded): Areas determined to be outside both the 1% (100-year) and 0.2% (500-year) floodplains.

For purposes of these Regulations, the term – Any V Zone includes Zone V and Zones VE and the term Any A Zone includes Zone A, AE, AH, AO and A99.

ARTICLE 3

GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The order shall apply to all areas of special flood hazard within the jurisdiction of Johnson County, Texas.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Johnson County, Texas And Incorporated Areas," dated April 5, 2019, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated April 5, 2019, and any revisions thereto are hereby adopted by reference and declared to be a part of this order.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required for all development both within and outside the Special Flood Hazard areas to ensure conformance with the provision of these Regulations.

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 order and other applicable regulations or court orders.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This order is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this order and another order, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, 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 G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance 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 areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLE 4

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Johnson County Public Works Director is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (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 ordinance.

(2) Review permit application to determine whether to ensure that the proposed building site project, 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 ordinance.

(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 areas of special flood hazards (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 or require that a flood elevation study be submitted to the Director of Public Works in order to aid in making said interpretation. This determination may require the property owner to apply for a LOMR from FEMA.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), 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 these regulations.

(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) 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 1 foot, provided that the community **first** applies for a conditional firm revision through FEMA and completes all of the provisions required by Section 65.12.

(11) The Floodplain Administrator shall appoint a qualified person to review all permit applications and approve any such permits in the absence of the administrator.

(12) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.

(13) Require within flood hazard areas that new and replacement water supply and sanitary sewerage systems be designed to minimize or eliminate infiltration of flood waters into the systems, and that discharges from the systems into flood waters and onsite waste disposal systems be located to avoid impairment to them or contamination from them during flooding.

(14) Require proposed development to obtain a LOMA when appropriate in accordance with Article 6.

(15) Require proposed development to obtain a conditional letter of map revision (CLOMR) when appropriate prior to any construction in accordance with Article 6. After such construction a formal LOMR shall be required in accordance with Article 6.

SECTION C. PERMIT PROCEDURES

(1) Application for a Floodplain 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 areas of special flood hazard.

(2) A Development Permit will be issued when the Director of Public Works or designee determines that the development will be made on land that is located entirely outside the mapped 1% floodplain or 100 year regulatory floodplain and that all other necessary reviews and approvals required by County regulations have been obtained.

(3) In a Shaded X Zone it must be determined that the ground level is above the base flood level before a Development Permit may be issued. The Director of Public Works may rely on data in his possession to make such a determination or require the submittal of topographical information by the applicant.

(4) Additionally, the following information is required for structures located in the Special Flood Hazard Areas or within 100 feet of a Special Flood Hazard Area for a Development Permit:

a) Detailed drawings for the proposed development. Drawings must clearly indicate that all provisions of these regulations will be met. On developments other than residential accessory buildings less than 150 square feet or other insignificant developments (carports, well houses, gazebos, etc.) drawings must be sealed by a licensed professional engineer or registered architect certifying that all provisions of these regulations will be met if the development is completed in accordance with the sealed drawings.

b) A detailed topographic survey of the property to be developed. This requirement may be waived for fences or other insignificant types of development.

c) In cases where a determination must be made as to whether the construction is substantial improvement, additional information may need to be submitted as outlined in these Regulations.

d) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

e) Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;

f) A certificate from a licensed professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of these Regulations;

g) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development

h) The top of the lowest floor must be elevated to three (3) feet or more above the base flood elevation.

i) A Form Board Survey with elevations correlated to the NAVD88 vertical datum signed by a Registered Professional Land Surveyor (R.P.L.S.) will be required before framing begins. Approval must be given by the County to begin framing if the survey meets all requirements.

j) A completed FEMA Elevation Certificate with the necessary base flood elevations, as-built lowest finished floor elevation, lowest adjacent grade, along with any hydrological and hydraulic data utilized to calculate the base flood elevations must be submitted when the structure is completed. All elevations shall be correlated to the NAVD88 vertical datum.

k) All structures will be constructed and anchored to prevent flotation, collapse or lateral movement of the structure resulting from the hydrodynamic and hydrostatic loads, including the effect of buoyancy.

l) Construction shall use methods that will minimize flood damage and construction materials and utility equipment that are resistant to flood damage. FEMA Technical Bulletins will serve as the guideline for this requirement.

m) Unless dry-proofed, enclosed areas below the base flood elevation must be equipped with flood openings or vents capable of equalizing water levels and hydrostatic loads. Covers for these openings must not interfere with the equalization of water levels in the event of a flood and should minimize potential blockage by debris. FEMA Technical Bulletin 1 or subsequent revisions shall serve as the guideline for this requirement. A licensed architect or licensed professional engineer shall certify the flood openings if there is any variance from the guidelines stated in Technical Bulletin 1.

n) Thermal insulation used below the base flood elevation shall be of a type that does not absorb water.

o) Water heaters, furnaces, air conditioning systems, electrical distribution panels and any other mechanical or electrical equipment must be elevated at least **three (3) feet** above the base flood elevation. Separate electrical circuits shall serve any level below the base flood elevation and shall be dropped from above.

p) All air ducts, loose pipes, propane tanks and storage tanks located at or below the base flood level shall be firmly anchored to prevent flotation. Tanks and ducts shall be vented to at least **three (3) feet** above the base flood elevation.

q) Levees may not be used to reclaim a property from any floodplain.

r) Construction of critical facilities shall be to the extent possible, located outside the limits of the 0.2% floodplain or 500-year floodplain (Shaded Zone X) and any —"A" Zone. Construction of new critical facilities shall be permissible within the base floodplain if no feasible alternative site is available.

i. Construction of critical facilities on land located below the base flood elevation in the 0.2% (500-year) floodplain or within the base floodplain shall have the lowest floor elevated to at least **three (3) feet** or more above the base flood elevation of the site.

ii. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. A licensed architect or licensed professional engineer shall certify all necessary flood proofing and sealing measures have been taken so that toxic substances will not be displaced by or released into floodwaters.

iii. Access routes elevated to or above the level of the base flood shall be provided to all critical facilities to the extent possible.

s) If the Floodplain Administrator determines that the development is within any —“X” Zone and all other necessary reviews and approvals have been issued, he may issue a Development Permit.

t) If a CLOMA or a CLOMR has been issued which will place the development in a —“X” Zone and all other necessary reviews and approvals have been issued, he may issue a Development Permit Elevation Certificates reflecting “as-built” conditions must be submitted to verify the development is above the required elevation.

u) Any reduction in floodplain storage or conveyance capacity must be offset with a hydraulically equivalent (one-to-one) volume of mitigation sufficient to offset the reduction. The reduction may result from development or the placement of fill within the floodplain. Such mitigation shall be within the same watershed and shall be provided on the same property or within the same hydrologic sub-watershed or at an alternate site meeting the approval of the Floodplain Administrator. A full hydrological and hydraulic analysis must be submitted to support a request for mitigation outside the boundaries of the property being developed.

v) The Floodplain Administrator shall review the proposed construction or development to assure that all reviews or approvals required by other County Regulations are obtained.

(5) The Floodplain Administrator shall maintain a record of all such information in accordance with these Regulations;

(6) Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this order 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 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 flood waters 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;

j) The relationship of the proposed use to the current comprehensive plan for that area.

(7) The Floodplain Administrator may require the submission of additional information, drawings, specifications or documents if he is unable to determine whether a permit should be issued from the information submitted.

(8) Developments may require permits from other local, State and Federal agencies. The applicant is responsible for compliance with all applicable regulations and permit requirements.

(9) Where a conditional letter of map change has been obtained from the FEMA for property which has been elevated by the use of fill above the elevation of the base flood, inspections and Elevation Certificates will be required. Where engineered fill is utilized, a certificate shall be signed by the qualified design professional in responsible charge of designing the development shall be provided. The certificate form to be used is found in

Figure 1 of FEMA's Technical Bulletin 10-01. All supporting documents, tests and reports in which the design professional utilized in making the determination of the base flood elevation, and the determination that the development will be reasonably safe from flooding, must accompany said certificate.

SECTION D. VARIANCE PROCEDURES

(1) The Commissioners' Court shall hear and rule on requests for variances from the requirements of this order.

(2) The Commissioners' Court shall hear and rule on an appeal only when it is alleged in writing that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this order.

(3) Any person or persons aggrieved by the decision of the Commissioners' Court 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 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 order.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 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 Commissioners' Court may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this order (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(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 structure and the variance is the minimum necessary to preserve the 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 application to which 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.

SECTION E. NON-CONVERSION OF PERMITTED PROPERTY

(1) A structure that is designed to have a level below the base flood elevation that is not designed and permitted for living quarters shall not be converted to contain living quarters on such lower level unless a specific permit is obtained authorizing such conversion in accordance with this Flood Damage Prevention Order.

(2) As a prerequisite for a permit to be granted to construct a structure

that might have a level below the base flood elevation that is not for living quarters the property owner must execute an acknowledgement of the following conditions and must adhere to the following conditions:

(a) That the enclosed area below the base flood elevation shall be used solely for parking of vehicles, limited storage, or access to the building and will never be used for human habitation without first becoming fully compliant with the Flood damage prevention order in effect at the time of the beginning of the construction of the conversion.

(b) That all interior walls, ceilings, and floors below the Base Flood Elevation shall be unfinished or constructed of flood resistant materials.

(c) That mechanical, electrical, or plumbing devices shall not be installed below the Base Flood Elevation.

(d) The walls of the enclosed areas below the Base Flood Elevation shall be equipped with at least two vents which permit the automatic entry and exit of floodwater with total openings of at least one square inch for every square foot of enclosed area below flood level. The vents shall be on at least two different walls and the bottoms of the vents shall be no more than one foot above grade.

(e) That any variation in construction beyond what is permitted shall constitute a violation of this Flood Damage Prevention Order.

(f) That the Non-conversion Acknowledgement becomes part of the permit for construction on the described property described by the applicable permit.

(g) THAT THE ACKNOWLEDGEMENT IS A GOVERNMENT DOCUMENT AS DESCRIBED BY TEXAS PENAL CODE SECTION 37.10 AND IS MATERIAL TO THE GRANTING OF A PERMIT TO THE ABOVE NAMED PERSON FOR CONSTRUCTION OR DEVELOPMENT ON THE ABOVE IDENTIFIED PROPERTY.

(h) The acknowledgement shall be filed in the deed records of Johnson County, Texas in the form of an Affidavit to the Public.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards 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;

(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 areas of special flood hazards where base flood elevation data has been provided as set forth in these regulations 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 a minimum of **three (3) feet** 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 these regulations are 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 a minimum of **three (3) feet** 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.

(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 floodwaters. 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 total net area of not less than 1 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 1 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 floodwaters.

(4) Manufactured Homes -

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes 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) 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 is elevated to three (3) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

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

(i) the lowest floor of the manufactured home is at three (3) feet above the base flood elevation, 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 - Require that recreational vehicles 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, or (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

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

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with this order and shall comply with the current Johnson County Subdivision Rules & Regulations.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of this order and shall comply with the current Johnson County Subdivision Rules & Regulations.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided to these regulations.

(4) Base flood evaluation data, with the establishment of a floodway, shall be generated by a detailed engineering study for all Zone A areas within 100 feet of the contour lines of Zone A areas, and other streams not mapped by FEMA, as indicated on the community's FIRM.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(6) All subdivision proposals including the placement of 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.

(7) The subdivision must be planned to provide adequate drainage, so as to reduce flood hazards.

(8) The following conditions must be met if the proposed development for which a Development Permit is sought is an expansion of a structure, as the term defined by these regulations, located in any – “A” Zone but not within a floodway.

(a) The expansion must be constructed of materials resistant to water damage below the base flood elevation and the expansion must be designed to

minimize flood damage in accordance with the FEMA approved flood-resistant materials list (Technical Bulletin 2-93).

(9) Notwithstanding any other provision of these Regulations, no permit will be issued if the Floodplain Administrator determines that the development will increase flood hazards.

(10) The following conditions must be met if the proposed development for which a Development Permit is sought includes a water or sanitary sewer system:

(a) The proposed system must be designed and constructed to minimize or eliminate infiltration of flood water into the system and to eliminate discharge of untreated waste from the system into the flood waters.

(b) All joints must be water tight.

(c) On-Site sewage disposal systems, if they meet Environmental Health Regulations, are allowed.

(d) Individual water wells or wastewater disposal systems must be located to avoid impairment to them or contamination from them during flooding.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section 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 a minimum of three (3) feet 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 **non-residential** structures;

(a) have the lowest floor (including basement) elevated to a minimum of three (3) feet 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

(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.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of these regulations are satisfied.

(4) Within Zones AH or AO adequate drainage paths are required around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION E. FLOODWAYS

Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry 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 Program Regulations, a 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.

SECTION F. SEVERABILITY

If any section, clause, sentence, or phrase of this order is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of these regulations.

SECTION G. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute the commission of a Class C misdemeanor as defined by the Texas Penal Code in effect at the date of the commission of the offense provided that the offense was committed after the date this Order was approved by the Commissioners' Court of Johnson County, Texas. Each day of violation occurs is a separate offense. Nothing in this Section shall prevent prosecution for an offense or application of a more severe penalty where such offense and penalty is specifically described by statute. Nothing herein contained shall prevent Johnson County from taking such other lawful action as is necessary to prevent or remedy any violation.


SECTION H. CERTIFICATION OF ADOPTION


APPROVED: 
Roger Harmon, County Judge

PASSED: March 27, 2019
(adoption date)

ORDINANCE BECOMES EFFECTIVE: March 27, 2019
(effective date)

I, the undersigned, Roger Harmon, County Judge, do hereby certify that the above is a true and correct copy of an order duly adopted by the Commissioners Court of Johnson County, Texas, at a regular meeting duly convened on March 27, 2019, 2019.


Roger Harmon
County Judge

ATTEST:

Becky Ivey
County Clerk

