

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 6A OF THE CODE OF THE CITY OF MESQUITE, REFERRED TO AS THE COMPREHENSIVE DRAINAGE ORDINANCE OF 1975 BY REPEALING CHAPTER 6A; BY PROVIDING CERTAIN REQUIREMENTS AND CRITERIA FOR CONSTRUCTION IN AREAS OF SPECIAL FLOOD HAZARDS TO COMPLY WITH THE FLOOD INSURANCE PROGRAM REQUIREMENTS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00); AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 6A of the Code of the City of Mesquite is hereby amended as follows, in all other respects to remain in full force and effect:

1. Deletions:

Section 6A-7 and 6A-10 are hereby deleted

2. Additions:

A New Section 6A-7 and 6A-10 are hereby added to the Code of the City of Mesquite to read as follows:

Section 6A-7 - Construction in Areas of Special Flood Hazard

(a) The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Mesquite", dated November, 1979, with accompanying Flood Insurance Rate Maps and Flood Hazard Boundary-Floodway Maps, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

(b) No residential building or structure, including mobile homes, shall hereafter be erected or relocated, nor shall any existing residential structure be substantially improved, within areas of special flood hazards designated on the Flood Insurance Rate Map, except that the lowest floor, including basement, be elevated to a minimum of two feet above the base flood elevation. A registered professional engineer, registered architect, or registered public surveyor shall submit to the Director of Community Development certification that this requirement is satisfied prior to the issuance of a building permit.

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(c) No non-residential building or structure shall hereafter be erected or relocated, nor shall any existing non-residential structure be substantially improved within areas of special flood hazards designated on the Flood Insurance Rate Map, except that the lowest floor, including basement, be elevated to a minimum of two feet above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation 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 registered architect shall submit to the Director of Community Development certification that the standards of this sub-section are satisfied. A record of such certificate indicating the specific elevation to which such structures are floodproofed shall be maintained by the Director of Community Development.

(d) No construction or development, including excavation, filling or construction of embankment, shall be allowed within areas of special flood hazard prior to the issuance of a Development Permit by the Director of Community Development. Application for a Development Permit shall be submitted in writing, accompanied by engineering plans and sufficient design data pertaining to the proposed construction to determine whether such construction will adversely affect flow characteristics within the flood hazard area or increase at any point the water surface elevation during the occurrence of the base flood discharge. Engineering data required to be furnished with a permit application shall be prepared by a professional engineer, registered in the State of Texas and experienced in the practice of civil engineering.

(e) All subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, within areas of special flood hazard shall include within such proposals base flood elevation data.

(f) All subdivision proposals within areas of special flood hazard shall have public utilities and facilities such as water, sanitary sewer, gas and electrical systems located and constructed to minimize flood damage.

(g) The Director of Community Development is designated as the official responsible for the administration of the Flood Plain Management Program. This responsibility includes submitting required annual reports, handling other administrative matters to maintain the community's eligibility for flood insurance, controlling new construction through the permit process, and providing a repository for Flood Insurance Rate Maps.

(h) The Director of Community Development is specifically authorized and directed to carry out the following duties in regard to flood plain management:

(1) Obtain and record on building permits, to be maintained in the permanent files of the Building Inspection Division, the first floor elevations of new construction and substantial improvements in special flood hazard areas.

(2) Require submission of a floodproofing certificate, by the architect or engineer performing the duties required under Section 301(c) of the Mesquite Building Code, for any construction or substantial improvement within a special flood hazard area where the first floor elevation is below the level of the base flood, and maintain such certificates in the permanent files of the Building Inspection Division.

(3) Review applications for permits for construction or substantial improvements within special flood hazard areas to ascertain that any State or Federal permits required are obtained.

(4) As a condition of the approval required by Section 14A-31 of the Mesquite City Code, review permit applications for onsite waste disposal systems in special flood hazard areas to ensure that such systems are designed to avoid impairment from flooding.

(5) When base flood elevation data has not been provided on the Mesquite Flood Hazard Boundary Map, the Director of Community Development shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State, or other source, in order to comply with requirements and criteria for construction in areas of special flood hazards.

(6)a. Prohibit the placement of a mobile home in a floodway, except in an existing mobile home park or existing mobile home subdivision. Require that all mobile homes be anchored to resist flotation, collapse, or lateral movement and the following specific requirements are met:

- (i) Over-the-top ties at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;
- (ii) Frame ties at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;
- (iii) All components of the anchoring system be capable of carrying a force of 4,800 pounds;
- (iv) Any additions to the mobile home be similarly anchored.

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b. For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivision, require:

(i) stands or lots are elevated on compacted fill or on pilings so that the lowest flood of the mobile home will be at or above the base flood level. A registered professional engineer, architect or land surveyor shall submit a certification to the Director of Community Development that the standard of this paragraph complies with Paragraph (d).

(ii) adequate surface drainage and access for a hauler are provided; and

(iii) in the instance of elevation on pilings; (1) lots are large enough to permit steps, (2) piling foundations are placed in stable soil no more than 10 feet apart, and (3) reinforcement is provided for pilings more than 6 feet above the ground level.

(7) Floodways - located within areas of special flood hazard established by the Flood Hazard Boundary-Floodway Map 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:

a. Encroachments are prohibited, including fill, new construction, substantial improvements and other developments unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

b. If Paragraph (7) a. above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this ordinance.

c. Prohibit placement of any mobile homes, except in an existing mobile home park or subdivision.

(8) As a member of the Development Review Committee, review all subdivision proposals in special flood hazard areas to assure that such proposals minimize flood damage, provide adequate drainage, and minimize flood damage to public utilities and facilities.

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9. Ensure that neighboring communities are notified of any plans to alter watercourses, and that such plans are adequately reviewed to ensure that the carrying capacity of the watercourse is maintained.

10. Monitor the South Mesquite and North Mesquite Creeks and the adjacent land areas within the City to ensure that no new construction, substantial improvements, or other development (including fill) is permitted which would have the cumulative effect, combined with existing and anticipated development, of increasing the water surface elevation of the base flood more than one foot.

SECTION 6A-10 - Duties of Director of Community Development;  
Appeal to City Council.

(a) The interpretation of the criteria hereinabove set forth in Sections 6A-2 through 6A-9 of this chapter shall be made by the Director of Community Development.

(b) Any person adversely affected by the decision of the Director of Community Development may, within ten days from the date of such decision, file an appeal in writing. Such appeal shall be returnable to the Director of Community Development and shall define the specific areas of controversy.

(c) It shall be the duty of the City Council to hear any such appeal within thirty days from the date received by the Director of Community Development.

(d) The Director of Community Development shall maintain a record of all actions involving an appeal and shall report variances to the Federal Insurance Administration upon request.

(e) 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 section.

(f) Generally, 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 one foot above the base flood level. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.

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

(i) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon (i) a showing of 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 ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation no more than one foot above 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.


SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Comprehensive Drainage Ordinance as a whole.

SECTION 4. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C misdemeanor and subject to the same penalty as provided for in the Comprehensive Drainage Ordinance of 1975, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

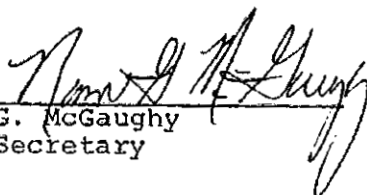
SECTION 5. Whereas, the fact that present ordinances of the City of Mesquite do not adequately protect the public from the hazards of flooding and do not encourage the preservation of open space in its natural state creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of April, A.D., 1980.

  
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B. J. SMITH  
MAYOR

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Norma G. McGaughey  
City Secretary

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Eiland Archer  
City Attorney

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