ARANSAS COUNTY

FLOODPLAIN MANAGEMENT
& WATERSHED PROTECTION ORDER

ORDER #O-02-2016

Effective: February 17, 2016

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ARTICLE 1 - STATUTORY AUTHORIZATION, FINDING OF FACTS, PURPOSE AND METHOD

SECTION A - STATUTORY AUTHORIZATION

The Legislature of the State of Texas has in Acts of the 61st Legislature, 1969, Page 2107, Chapter 2720 (Art 1581 (e) - V.A.T.C.S.) and page 2313, Chapter 782 (Art 8280-13 V.A.T.C.S.) delegated the responsibility to the local governmental units to adopt regulations designed to minimize flood losses.

The Legislature of the State of Texas has in Section 16.315 *et. Seq.* of the Texas Water Code and Section 240.901 of the Local Government Code authorized local governmental units to adopt regulations designed to regulate land use and minimize flood losses.

Therefore, the Commissioners' Court of Aransas County, Texas, does ordain as follows:

SECTION B - FINDINGS OF FACT

1. The flood hazard areas of Aransas County are subject to periodic inundation which results in the 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 related losses are created by the cumulative effect of obstructions in the floodplains which caused increase in flood heights and velocities, and the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed or otherwise protected from flood damage.

3. Ecotourism is a primary industry in Aransas County. Property values in Aransas County are directly correlated to the condition of the waters in the bays and estuaries surrounding Aransas County. Flood related losses are a function of not only the quantity of water, but also the quality of water draining from the floodplains.

4. It is hereby found by the Commissioners' Court of Aransas County that severe flooding has occurred in the past within its jurisdiction and is likely to occur in the future, and that damage to property occurs for many reasons including flooding from the tidal waters of the Gulf of Mexico and that the entire area within its jurisdiction is a flood-prone area.

SECTION C - STATEMENT OF PURPOSE

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

1. Protect human life and health;

2. Minimize expenditures of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertake 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 the 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 the flood area.

SECTION D - METHODS OF REDUCING FLOOD LOSSES

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

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increase 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. Require a minimum of eighteen (18") inches of freeboard above the base flood elevation, as determined from County adopted flood maps or flood elevation studies approved by the County Engineer, for all new construction or eighteen (18") inches above the highest adjacent natural ground level, if flood maps or flood elevation studies are not available;

4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodations of flood waters;

5. Control filling, grading, dredging and other development which may increase flood damage;

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

7. Develop and implement a Regional Stormwater Management Plan that identifies stormwater control measures and methodologies for future development.

ARTICLE 2 - DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted to give them the meaning they have in common usage and to give this regulation it's most reasonable application.

ACCESSORY BUILDING - a permanent building that is incidental and subordinate to the main use of the property. An accessory building is always located on the same lot as the main building and shall not be used as a secondary residence or for commercial use. Examples of accessory buildings include: garages, barns, storage buildings and workshops.

ALLUVIAL FAN FLOODING - 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 process of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - 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.

APPEAL - a request for a review of the Floodplain Administrator's interpretation of any provision of this regulation or a request for a variance.

APPURTENANT STRUCTURE - 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.

AREAS OF SHALLOW FLOODING - the designated AO, AH, VO zones on a community's Flood Insurance Rate Map (FIRM) with a one-percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity may be evident. Such flooding is characterized by ponding of sheet flow.

AREA OF SPECIAL FLOOD HAZARD - the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed a preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30 VE or V.

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

BASE FLOOD ELEVATION (BFE) - The elevation shown in 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 - any area of the building having its floor subgrade below ground level.

BREAKAWAY WALLS - 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.

BUILDING PERMIT - a development permit or permit.

CERTIFICATE OF APPROVAL - A Permit issued by the designated Floodplain Administrator that approves and certifies all necessary public services have been installed and tested to meet current standards; and that all fees and sureties have been properly submitted and accepted. Certificate of Approval (or "C.A.") includes the terms "Authorization to Construct", "Notice of Approval" and "Customer Service Inspection". Such certificates are issued by Aransas County, municipalities and other public service providers.

COASTAL HIGH HAZARD AREA - the area subject to high velocity waters, including but not limited to hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone V1-30, VE or V.

CRITICAL FEATURE - 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 - any man-made change in improved or unimproved real estate including but not limited to building, or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DEVELOPMENT PERMIT - a permit for the construction of a development. Also called a building permit or permit in these regulations.

ELEVATED BUILDING - a non-basement building built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the bottom of the lowest floor, or in the case of a building in Zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor above the ground level by means of piling, columns (post or piers), or shear walls parallel to the flow of water; and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of Zones V1-30, VE or V "elevated building' also includes a building otherwise meeting the definition of "elevated building", even though the lowest areas are enclosed by means of breakaway walls meet the standards, of Section 60.3 (e) (5) of the National Flood Program Regulations.

EXISTING CONSTRUCTION - 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 FIRM's effective before that date. "Existing construction" may also be referred to as "existing structure".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - a manufactured home park or subdivision for which the construction of facilities for serving 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 complete before the effective date of the floodplain management regulation is adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - 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 pouring of concrete pads).

FLOOD OR FLOODING - 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 from any source.

FLOOD ELEVATION STUDY - 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) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - the official report provided by the federal Emergency Management Agency. The report contains flood profiles, water surface elevations of the base flood as well as the Flood Boundary-Floodway Map.

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

FLOODPLAIN MANAGEMENT - the operations 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 - 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 PROTECTION SYSTEM - those physical structural works, for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and, the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDANT USE - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to the water. The term includes only docking facilities, port facilities that are necessary for 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 - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - any structure that is identified as any of the following:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determination by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified of 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 as 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 an approved program.

LEVEE - 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 - a flood protection system, which consists of 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 - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking 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 applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

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

MEAN SEA LEVEL - for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD88) of 1988 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - for the purposes 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 - 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 complete on or after the effective date of floodplain management regulations adopted by a community.

PRIMARY FRONTAL DUNE - a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

RECREATIONAL VEHICLE - a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projections;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not as a permanent dwelling, but as temporary living quarters for recreation, camping or seasonal use.

REGULATORY FLOODWAY - 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.

REVERINE - relating to, formed by, or resembling (including tributaries, stream, brook, etc.

SAND DUNES - naturally occurring accumulations of sand in ridges or mounds landward of the beach.

SPECIAL FLOOD HAZARD AREA (SFHA) - The land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on NFIP maps. The SFHA is the area where the National Flood Insurance Program's (NFIP) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V.

START OF CONSTRUCTION - (other than new construction or substantial improvements under the Coastal Barrier Resources Act, Pub. L. 97-348) date the permit was issued, provided the actual start of construction, repair reconstruction, placement or other improvement was within 180 days of the permit. The actual start is the first placement of permanent construction of a structure on a site, such as pouring a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or placement of a manufactured home foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of the 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.

STRUCTURE - a walled and roofed building, including gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty (50%) percent of the Aransas County Appraisal District appraised value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENTS - any reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the Aransas County Appraisal District appraised value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include: (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 local enforcement officials and which are the minimum necessary conditions or (2) any alteration of a "historic structure", provided

that the alteration will not preclude the structure's continued designation as a "historic structure".

TOPOGRAPHY - the description of the three dimensional shape of the land surface based upon elevation contours. For the purposes of determining if a development permit is required, an alteration of topography is considered to occur if fill placement is applied greater than 300 cubic yards (20 loads) or grading changes result in the modification to existing drainage and/or the increase in any elevation by six (6") inches or more. Determination and clarifications to be provided by the County Floodplain Administer.

VARIANCE - a grant of relief to a person from requirements of this regulation when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations)

VIOLATION - a 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 the National Flood Insurance Program (NFIP) Section 60.3(b)(5), (c)(4), (d)(3), (e)(4) or (e0(5) is presumed to be in violation until at such time the documentation is provided.

WATER SURFACE ELEVATION - the height in relation to the North American Vertical Datum (NAVD88) of 1988 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE 3 - GENERAL PROVISIONS

SECTION A - LAND TO WHICH THIS REGULATION APPLIES

These regulations shall apply to all unincorporated areas within the jurisdiction of Aransas County, Texas.

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

The areas of special flood hazard identified by the Federal Management Agency is a scientific and engineering report entitled "Flood Insurance Study of Aransas County, Texas Unincorporated Areas", dated February 17, 2016, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto that have been adopted by the Aransas County Commissioners' Court are hereby adopted by reference and declaration to be a part of these regulations.

SECTION C - ESTABLISHING A BUILDING PERMIT

1. A development permit shall be required to ensure conformance with the provisions of these regulations for any structure over 300 square feet (300 SF); i.e. home, barn, garage, workshop, storage building, and/or the development of improved or unimproved real property as defined in these regulations.

2. No person shall erect, construct, enlarge, alter, repair or improve any building or development structure or manufactured housing as defined under Chapter 1201.003 (9), (15) and (17) of the Texas Occupational Code, Manufactured Housing, or alter the

topography that would affect others or violate Section 11.086 of the Texas Water Code in the applicable jurisdiction, or cause such to be done, without first obtaining a separate building permit for such buildings or structures from the Floodplain Administer.

3. Prior to receiving a permit an Elevation Hub must be submitted.

4. Upon placement of the lowest floor, or flood proofing by whatever construction means, within a FEMA hazardous flood zones (A) and (V) it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor or flood proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a Texas registered land surveyor or Texas licensed professional engineer who is authorized to certify such information, and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk.

5. The Floodplain Administrator shall review the lowest floor elevation and flood proofing certificate. Should these documents be found not in conformance with the requirements of these rules, the permit holder shall immediately cease further work, and shall correct any deficiencies. Failure of the permit holder to submit the surveyed lowest floor elevation and flood proofing certificate, and failure to correct said deficiencies required hereby, shall be the cause to issue a stop-work order for the project.

6. Upon placement of the lowest floor or placement of form boards within FEMA flood zones (B) and (C), the permit holder should contact the Floodplain Administrator to measure the elevation of said form boards or lowest floor.

7. It shall be unlawful to use, occupy any building, development, or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Development Permit has been issued by the Floodplain Administrator stating that the use of the development conforms to the requirements of this Chapter.

8. If there are any changes in the footprint of the developed area, the number of bedrooms or the amount of square feet of the home or garage, construction shall be stopped until the changes from the original plan have been approved.

9. Copies of the survey and plat drawing must be submitted before approval of development permit.

10. Upon approval of permit, a copy of permit must be posted on site at all times.

SECTION D - COMPLIANCE

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

2. If a person has violated, is violating or is threatening to violate these Regulations in any manner, the County may institute a civil suit in the appropriate court for injunctive relief to restrain the person from continuing the violation or threat of violation, including, but not limited to an order directing the person to remove illegal improvements and restore pre-existing conditions. In addition, a person who violates

these regulations is subject to a civil penalty of not more than $500.00 for each act of violation and for each day of violation.

3. Any person who diverts or impounds the natural flow of surface waters or permits a diversion or impounding to continue in a manner that damages the property of another by the overflow of the water diverted or impounded may be subject to a civil suit in the appropriate court for injunction relief to restrain the person from continuing the violation and direct the person to remove illegal improvements and restore the property to pre-existing conditions and seek civil penalty of $500.00 for each act of violation and for each day of violation.

4. The County shall file against any parcel of land that is in violation of this order a notice in the real property records identifying any condition on the property that the County determines violate the rules adopted by this Order.

5. No person may provide utility services that connect the land and/or improvements with utility services without Certificate of Approval from the County that the property complies with rules adopted.

6. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 for each violation and in addition shall pay all costs and expenses involved in the case. Each act of violation and each day of violation constitutes a separate offense. Nothing herein shall prevent Aransas County from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION E - ABROGATION AND GREATER RESTRICTION

These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where these regulations and other restrictions conflict or overlap, whichever imposes the more stringent restriction shall prevail.

SECTION F - INTERPRETATION

In the interpretation and application of these regulations, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the government body; and (3) deemed neither to limit nor repeal any other powers granted under State statues.

SECTION G - WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by these regulations is reasonable for regulatory purposes and is based on scientific and engineering considerations. Greater floods can and will occur and flood heights may be increased by man-made or natural causes. This regulation does not imply that the land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the community or any official or employee therefore for any flood damage that result from reliance on these regulations or any administrative decision lawfully made there under.

ARTICLE 4 - ADMINISTRATION

SECTION A - SCOPE

Subject to Article 3, Section C, provisions of this regulation shall apply to all new construction or development, proposed subdivisions, proposed manufactured home communities and/or manufactured housing as defined under Chapter 1201.003 (9), (15) and (17) of the Texas Occupational Code, manufactured Housing, alter the topography that would affect others or violate Section 11.086 of the Texas Water code, and to the construction, alteration repair, use, location or maintenance of every building or structure or any appurtenances connected to or attached to such buildings or structures, within the designated area affected by this regulation.

SECTION B - DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Commissioners' Court shall appointed a Floodplain Administrator to administrate and implement the provisions of these regulation and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION C - DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include but not limited to the following:

1. Maintain and hold open for the public inspection all records pertaining to the provisions of these regulations.

2. Review permit application to determine whether proposed building site will be reasonably safe from flooding.

3. Review, approve or deny all applications for development permits required by adoption of these regulations.

4. Review permits for proposed development to assure 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 hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

6. Notify, in riverine situations, adjacent communities and the Texas Water Commission 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 of relocated watercourse is maintained.

8. When base flood elevations 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 available from the Federal, State or other source in order to administer the provisions of Article 5.

9. When development is in a riverine section and a regulatory floodway has not been designed, the Floodplain Administrator must require that no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A and AE on the communities FIRM, unless it is demonstrated that the cumulative effect of the proposed development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

10. The Floodplain Administer, or his duly authorized representative, may enter any building, structure or premise to perform any duties imposed upon him by these regulations.

11. Determine non-compliance with diversion or impoundment of natural flow of surface water and referral to the District Attorney's office for enforcement when necessary.

12. Administer and enforce Local Government Code 240.901 and rules adopted by the Aransas County Commissioners' Court as it relates to the connection of utility services and referral to the District Attorney's Office for enforcement when necessary.

13. The Floodplain Administrator may revoke a permit issued under the provisions of this regulation if there has been any false statement or misrepresentation as to a material fact in the application or plans upon which the permit or approval was based.

14. The Department may routinely inspect facilities considered to be a Regulated Land Use to assure continued compliance with these rules.

15. File against any parcel of land a notice in the real property records identifying any condition on the property that the Floodplain administrator determines violate the rules adopted by these regulations.

16. Provide written certification to the appropriate utility services that a property owner may connect services once they have complied with County regulations and a certificate of approval has been issued.

SECTION D - EXISTING BUILDINGS

1. If alterations or repairs costing fifty (50%) percent or more of the Aransas County Appraisal District appraised value of the building are made to an existing building, such building shall be made to conform to the requirements of these regulations for new buildings.

2. If any existing building is damaged by fire or otherwise fifty (50%) percent or more than Aransas County Appraisal District appraised value before such damage is repaired, it shall be made to conform to the requirements of these regulations for new buildings.

SECTION E - APPLICATION FOR DEVELOPMENT

1. When required:

    a. When anyone desires to construct a development as defined herein a development permit is required.

b. Ordinary and minor repairs may be made with the approval of the Floodplain Administrator without a permit provided that such repairs shall not violate any of the provisions of this regulation

c. Where construction is commenced before a permit is obtained, the permit fee shall be doubled.

2. Form:

a. Each applicant for a permit with the required fee shall be filed with the Floodplain Administrator on a form furnished by him and shall contain a general description of the proposed work in its location.

b. Each application for a permit shall indicate the proposed occupancy of all parts of the building or structure and shall contain specific information as may be required by the Floodplain Administrator.

3. Drawings and Specifications

a. Two or more copies of specifications and drawings drawn, to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany every application. Such drawings and specifications shall contain information in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with this regulation. Such information shall be specific and this code shall not be cited as a whole or part, nor shall the term "legal" or its equivalent be used as a substitute for specific information.

b. The Floodplain Administrator may require details, computations, stress diagrams and such other data necessary to describe the construction and basis of calculations and they shall bear the signature of the person responsible for the design.

c. All drawings, specifications and accompanying data shall bear the name and address of the designer.

4. Limitation

An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless before then a permit shall have been issued; provided that, for cause, one or more extensions of time for periods of not exceeding ninety (90) days each shall be allowed by the Floodplain Administrator.

5. Examination of Drawings

a. The Floodplain Administrator shall examine or cause to be examined for permit and the drawings and computations filed therewith and shall ascertain during such examination whether the construction indicated and described is in accordance with the requirements of this regulation and all other pertinent laws or regulations.

b. The Floodplain Administrator may accept a sworn affidavit from a registered architect or engineer stating that plans submitted conform to the laws as to

type of construction, general arrangement, and if accompanied by drawings showing the structural design conform to the requirements of these regulations as to strength, stresses, strains, loads, stability and elevation, he may without examination or inspection, accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Floodplain Administrator upon the completion of the structure a certification that the structure has been erected in accordance with these regulations. The architect or engineer shall assume full responsibility for the compliance with the provisions of this regulation and/or other pertinent laws or regulations.

SECTION F - PERMIT PROCEDURES

1. Actions or Application

    a. No person, firm or corporation shall erect, construct, enlarge, alter, repair or improve any building or development structure or manufactured home in the applicable jurisdiction, or cause such to be done without first obtaining a separate building permit for such buildings or structures from the Floodplain Administrator.

    b. If the Floodplain Administrator is satisfied that the work described in the application for permit and the drawings filed therewith conform to the requirements of these regulations and other pertinent laws and regulations, he shall issue a permit.

    c. If the application for a permit and the drawings filed therewith describe work which does not conform to the requirements of this regulation and other pertinent laws and regulations, the Floodplain Administrator shall not issue a permit, but shall return the drawings to the applicant with his refusal to issue such permit. Such refusal to issue such permit shall, when requested, be in writing and shall contain the reasons.

    d. Issuance of a floodplain permit does not relieve the applicant of the responsibility of obtaining any other required federal, state of local permits.

    e. No permit shall be issued unless and until certification is received from a registered professional engineer or architect that the proposed structure shall meet all flood proofing criteria called for herein.

    f. Application for permit for any development as defined in Article 2 of these regulations must be made within all unincorporated areas of Aransas County.

    g. No person, firm or corporation shall continue such development if the permit has been revoked or suspended until the permit is reinstated or a new permit is issued.

2. The Floodplain Administrator shall act upon an application for a building permit with plans as filed or amended without unreasonable delay. A permit issued shall be construed to be a license to proceed with work and shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of these regulations, nor shall such issuance of a permit prevent the Floodplain Administrator from thereafter requiring a correction of errors in plans or if issued the permit shall become invalid, unless the work authorized by it shall have been commenced; provided that, for cause,

one or more extensions of time, for periods not exceeding one hundred eighty (180) days each, may be allowed by the Floodplain Administrator.

3. Upon issuance of a Development Permit, the recipient shall be required to sign the permit, indicating that the recipient accepts the permit with any specific conditions and that he will construct the development in strict conformance with the approved plans and conditions attached.

4. Whenever a permit is issued in reliance upon an affidavit, as provided in Section E (5)(b) above, or whenever the work to be covered by a permit involves construction under conditions which, in the opinion of the Floodplain Administrator, are hazardous or complex, the Floodplain Administrator may require that the architect or engineer who signed the affidavit or is responsible for the drawings and computations supervise the work and make assurance that the work was completed in accordance with the approved plans and specifications. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are approved by the Floodplain Administrator.

5. As a part of its routine duties, the Department may issue stop-work orders for activities being conducted pursuant to a Development Permit issued by the County, if a representative of the Department has confirmed that the activities violate or are in danger of violating a Development Authorization, a Development Agreement, these Regulations, or the requirements of other applicable entities with jurisdiction over the project that have been incorporated by reference. Orders issued by the Department under this authority may be provided verbally, but must be confirmed by Written Notice, provided to the Permittee and the Owner of the Subject Property. Stop -work orders may be appealed to the Commissioners' Court based on a written request of the Permittee or the Owner of the Subject Property. Violations that result in stop - work orders are subject to any enforcement action authorized under applicable law, including civil or criminal penalties or fines.

SECTION G - FEES

1. No permit shall be issued until the fees prescribed in these regulations have been paid, nor shall amendment to a permit be approved until the additional fee if any due to an increase in the estimated cost of the building structure, has been paid.

2. If a person commences any work on a building or structure before obtaining the necessary permit from the applicable governing body, he shall be subject to the penalty prescribed herein.

3. The Floodplain Administrator shall keep a permanent and accurate accounting of all permit fees and other monies collected, the name of all persons whose account the same was paid, the date and amount thereof.

4. On all buildings, developments, structures or alterations requiring a permit, as set forth in these regulations; fees shall be paid at the time of filing application. The current applicable fee schedule may be obtained at the Floodplain Administrator's office or on the County's web site.

SECTION H - VARIANCE PROCEDURES

1. The Aransas County Commissioners' Court shall hear and render judgment on request for variance from these regulations.

2. The Aransas County Commissioners' Court shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of these regulations.

3. Any person or persons aggrieved by the decision of the Aransas County 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 State Inventory of Historic Places, without regard to the procedures set forth in the remainder of these regulations.

6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section F (2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing a variance increases.

7. Upon consideration of the factors noted above and the intent of this Court order, the Aransas County Commissioners' Court may attached such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this regulation (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. Prerequisites for granting variances are as follows:

    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) 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 regulations;

    c. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will commensurate with the increased risk resulting from the reduced lowest floor elevation.

ARTICLE 5 - PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A - GENERAL STANDARDS

In UNINCORPORATED AREAS OF ARANSAS COUNTY the following provisions are required for all new construction and substantial improvements;

1. No alteration, diversion, encroachment or enlargement shall be made to any bayou, lake, creek, natural drainage ditch or waterway without specific written authorization from the County Floodplain Administrator and the U.S. Army Corps of Engineers, Galveston District, if applicable.

2. No person may divert or impound the natural flow of surface waters or permit a diversion or impounding to continue in a manner that damages the property of another by the overflow of water diverted or impounded. A person whose property is injured by an overflow of water caused by an unlawful diversion or impounding has remedies at law and in equity and may recover damages occasioned by the overflow.

3. All new construction or substantial improvements of residential or non-residential structures within the unincorporated areas of Aransas County must have the lowest floor elevated eighteen (18") inches above the level of the base flood elevation (BFE) when construction is located in an area of special flood hazard (ASFH), or eighteen (18") inches above the water surface level during the one (1%) percent storm event as shown on other County adopted flood maps or flood elevation studies approved by the County Engineer, when not in an ASFH. In the absence of flood maps or flood studies, the lowest floor elevation shall be set eighteen (18") inches above the highest adjacent natural ground level, or when the drainage downstream from the proposed structure is intercepted by a road the first floor elevation shall be a minimum of eighteen (18") inches above the centerline of the road.

4. Accessory Buildings, other than those located in A or V zones, must have the lowest floor elevated six (6") inches above the water surface level during the one (1%) percent storm event as shown on County adopted flood maps or flood elevation studies approved by the County Engineer, when not in an ASFH. In the absence of flood maps or flood studies, the lowest floor elevation shall be set six (6") inches above the highest adjacent natural ground level, or when the drainage downstream from the proposed structure is intercepted by a road the first floor elevation shall be a minimum of six (6") inches above the centerline of the road. Accessory Buildings located in A or V zones must have the lowest floor elevated six (6") inches above the BFE or be constructed in conformance with Article 5, Section B (3).

5. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent floatation, collapse or lateral movement of structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

6. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

7. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.

8. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning and other service facilities that are designed and/or located as to prevent water from entering or accumulating within the components during conditions of flooding.

9. All new and replacement water systems shall be designated to minimize or eliminate infiltration of flood system and discharge from the system into flood waters.

10. On-site sewage facilities shall be constructed to avoid impairment to them or contamination from them during flooding.

11. No building permit will be issued until an Aransas County Environmental Health Department septic system permit has been obtained.

SECTION B - SPECIFIC STANDARDS

In all **Areas of Special Flooding Hazard** where base flood elevation data has been provided as set forth in Article 3, Section B; Article 4, Section C (8); or Article 5, Section C (3) the following provisions are required:

1. RESIDENTIAL CONSTRUCTION - New construction and substantial improvements of any residential structure shall have the lowest floor (including basement) elevated a minimum of eighteen (18") inches above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the Floodplain Administrator that the standards of this subsection as proposed in Article 4, Section C (1) a, are satisfied.

2. NON-RESIDENTIAL CONSTRUCTION - New construction and substantial improvements of any commercial, industrial or other non-residential structure shall either have the lowest floor (including basement) elevated a minimum of eighteen (18") inches above the base flood level or, together with attendant utility and sanitary facilities, designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water 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 construction; and shall certify that the design and methods of construction are in accordance with acceptable standards of practice 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 flood-proofed shall be maintained by the Floodplain Administrator.

3. ENCLOSURES - New construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or exceed the following minimum requirements:

    a. A minimum of two (2) openings having a total net area of not less than one (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 one (1) foot above grade.

    c. Opening shall be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

4. MANUFACTURED HOMES

    a. All manufactured homes to be placed within FEMA 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. Anchoring methods are required to include 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 anchors.

b. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, AE, on the community's FIRM on sites (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3)in an expansion to an existing manufactured home park or subdivision; (4) or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of flood, be elevated a minimum of eighteen (18") inches above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and later improvements.

c. The placement of manufactured homes and recreational vehicles in FEMA Zone (V) and Coastal (A) zones are prohibited.

5. RECREATIONAL VEHICLES

a. Any person who moves a recreational vehicle from a location in order to avoid having to permit, elevate or anchor as required in these regulations must remove the recreational vehicle for a period in excess of 24 hours. If the vehicle is removed for a period consisting of 24 hours or less, then the permitting requirements will apply and the property owner will be required to comply with the requirements set forth above.

b. Any recreational vehicle that is being used as a residence or at one location in excess of one hundred eighty (180) consecutive days must be permitted, elevated 18" above the base flood elevation required and anchored in the same manner as required for manufactured homes and the above "24 hour rule" does not apply.

c. Any recreational vehicle remaining at one location fewer than one hundred eighty 180 days must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on wheels or jacking system is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures.

d. All recreational vehicles shall be capable of evacuation under its own power or if dependent of external power, the vehicle proposed for external power shall be in running condition.

e. Egress of recreational vehicles shall not be prevented by stored or fixed items such as stairs, porches, store rooms, etc.

f. Recreational vehicles stored on a homeowner's lot where the home is the primary residence are exempt from the 180 day permit regulations, subject to other orders or restrictions. These recreational vehicles must be unoccupied, not connected to neither water nor wastewater services, have a current motor vehicle license and inspection sticker and be capable of highway use.

SECTION C - STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH)

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 apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to eighteen (18") inches 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 eighteen (18") inches 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 two 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 plus eighteen (18") inches in an AO Zone, or below the Base Flood Elevation plus eighteen(18") inches 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 effect of buoyance,

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C are satisfied.

4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION D - STANDARDS FOR FLOOD PRONE AREAS

All areas located outside the areas of special flood hazard established in Article 3, Section B, are areas designated as flood prone areas (FPA). These areas are associated with flooding where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated eighteen (18") inches above the water surface elevation during the one (1%) percent storm event, as determined from County adopted flood maps or flood elevation studies approved by the County Engineer, or when flood maps or flood elevation studies are not available, eighteen (18") inches above the highest adjacent natural ground level, or when the drainage downstream from the proposed structure is intercepted by a roadway the lowest floor elevation shall be a minimum of eighteen (18") inches above the centerline of the road when flood maps or flood elevation studies are not available.

2. All new construction and substantial improvements of non-residential construction shall:

    a. Have the lowest floor (including basement) elevated eighteen (18") inches above the water surface elevation during the one (1%) percent storm event, as determined from County adopted flood maps or flood elevation studies, or eighteen (18") inches above the highest adjacent natural ground level when flood maps or flood elevation studies are not available; or

    b. Together with the 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 the structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3. The entity and/or individual responsible for new construction or substantial improvements shall submit a letter to the Floodplain Administrator that the standards of this section, as proposed in Article 5, Section C (1) or (2), are satisfied.

4. Adequate drainage paths around structures on slopes shall be provided to guide flood waters around and away from proposed structures.

5. No person, company or organization may provide utility services that connect the land with utility services without written certification from the County that the property complies with these regulations.

SECTION E - STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals, including manufactured home parks and subdivisions, shall be consistent with Article 1, Sections B, C, and D of these regulations.

2. All proposals for development of subdivisions, including manufactured home parks and subdivisions, shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of these regulations.

3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions, which are greater than 50 lots or 5 acres or propose an increase of impervious cover greater than twenty (20%) percent, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of these regulations.

4. All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

5. All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and/or facilities such as wastewater, gas, electric and water systems located and constructed to minimize or eliminate flood damage.

6. The Aransas County Subdivision Regulations must also be followed in addition to these regulations. Copies may be obtained from the Aransas County Engineer's Office.

SECTION F - 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 floodwaters, 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 analysis 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 E1 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 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 applies for a conditional FIRM and floodway revision through FEMA.

SECTION G - COASTAL HIGH HAZARD AREAS

Located within the areas of Special Flood Hazard established in Article 3, Section B, are areas designated Coastal High Hazard Areas (Zones V1-30, VE and/or V). These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash. Therefore, in addition to meeting all other provisions outlined in these regulations, the following provisions apply:

1. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures and whether or not such structure contain a basement. The Floodplain Administrator shall maintain a record of all such information.

2. All new construction shall be located landward of the reach of mean high tide.

3. All new construction and substantial improvements shall be elevated on pilings and/or columns such that:

    a. The bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is elevated eighteen (18") inches above the base flood level;

    b. The pile or column foundation and structure attached thereto is anchored to resist floatation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loadings values shall have a one (1%) percent chance of being equaled to or exceeded in any given year (100-year mean recurrence interval);

    c. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design methods of construction to be used are in accordance with the accepted standards of practice for meeting the provisions of these regulations.

4. All new construction and substantial improvements shall have the space the lowest floor either free of obstructions or constructed of no more than three hundred (300 SF) square feet with non-supporting breakaway walls, open wood lattice-work or inspect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten (10 LB/SF) and no more than twenty (20 LB/SF) pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

    a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood.

    b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind loading values to be used in this determination shall each have a one (1%) percent chance of being equaled or exceeded in any given year (100-year recurrence interval).

5. If breakaway walls are used, such enclosed space shall be used solely for parking of vehicles, building access or storage. Such spaces shall not be used for human habitation.

6. The use of fill for structural support of buildings is prohibited.

7. Man-made alterations of sand dunes and mangrove stands which would increase potential flooding damage is prohibited.

8. Manufactured Homes placed or substantially improved within Zone V1-30, V and VE on the County'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 the result of a flood, shall meet the standards paragraphs 1 through 7 of this section and that manufactured home park or subdivision within Zones V1-30, V and VE on the FIRM shall meet the requirements of Article 5, Section B(4) of this order.

9. Recreational Vehicles placed on sites within Zones V1-30, V and VE on the County's FIRM shall 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 requirements in Article 3, Section C of this order and paragraphs 1 through 7 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 H - SEVERABILITY

It is the intention of these regulations that the section, paragraphs, sentences, clauses and phrases of these regulations are severable; and if any section, paragraph, sentence, clause or phrase of these regulations shall be declared void, ineffective or unconstitutional by a valid judgment or final decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases hereof,

since the same would have been enacted by this Court without the incorporation herein of any such unconstitutional section, paragraph, sentence, clauses or phrase.

ARTICLE 6 - MISCELLANEOUS

SECTION A - UTILITIES

Any structure or other development may not be connected with water, sewer, electricity or gas utility service if not in compliance with these regulations.

SECTION B - OTHER REGULATIONS

In addition to these regulations, any development must also comply with the additional regulations when applicable:

1. SEPTIC PERMIT - Septic permits are required through the Aransas County Environmental Health Department for all properties that do not have access to a public wastewater system.

2. SITE DEVELOPMENT AND CONSTRUCTION GUIDELINES - A site specific stormwater management plan is required when a site development project involves a disturbance of over 1-acre of land or the construction of more than 40% impervious cover. The requirements of a stormwater management plan are detailed in the Aransas County *Site Development and Construction Guidelines.*

3. REGIONAL STORMWATER MANAGEMENT PLAN - The Aransas County Regional Stormwater Management Plan outlines the County's current and future drainage conveyance systems. All new development shall incorporate this stormwater plan into their proposed development, as is applicable.

4. SUBDIVISION REGULATIONS - The subdivision of property shall comply with the current Aransas County Subdivision Regulation.

5. STATE AND FEDERAL CODES - In addition to this order, they must comply with all State and Federal Codes, including but not limited to, Texas Windstorm Insurance Association (TWIA).

SECTION C - VIOLATIONS AND PENALTIES

1. The Floodplain Administrator may revoke or suspend a permit or approval issued under the provisions of these regulations in cases where there has been false statement or misrepresentation as to a material fact in the application or upon which the permit or approval is based.

2. Any person, firm, corporation or agent who violates a provision of these regulations, fails to comply with the requirements of the permit, or erects, constructs or alters any building or structure in violation with these regulations shall be guilty of Contempt of Commissioners' Court of Aransas County. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any such provision of this regulation is committed, or continued and upon conviction of any such violation such person shall be punished within the limits as provided by state law.

3. Commissioners' Court may punish contempt by fine or imprisonment in accordance with the provisions of Section 81.023 of the Texas Local Government Code, as amended. Any person securing a permit under these regulations does so on the representation to the Commissioners' court that he will comply with the terms of the permit and with these requirements and other County Regulations. Commissioners' Court has the power to enforce its Orders by civil contempt for violations of such representations. If the Commissioners' Court finds the defendant to be guilty of contempt, it will enter such Orders consistent with general law as it deems appropriate to punish the person guilty of contempt, and will enter such other and future Orders enforceable by civil and criminal contempt, and consistent with its authority under general laws, as Commissioners' Court deems necessary to enforce and protect its jurisdiction over the matter.

SECTION D - CERTIFICATION OF ADOPTION

APPROVED BY: COMMISSIONERS' COURT OF ARANSAS COUNTY, TEXAS

DATE: January 25, 2016

ORDER BECOMES EFFECTIVE: February 17, 2016

I, the undersigned, C. H. "Burt" Mills, do hereby certify that the above is a true and correct copy of an order duly adopted by the Commissioners' Court of Aransas County, Texas, at a regular meeting duly convened on January 25, 2016.

C. H. "Burt" Mills, County Judge