

ORDINANCE NO. 2020-09

AN ORDINANCE OF THE CITY OF ROSENBERG, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE BY AMENDING SECTION 2-52 OF ARTICLE III OF CHAPTER 2; SECTION 4-132 OF ARTICLE V OF CHAPTER 4; SECTION 7-57 OF ARTICLE VII OF CHAPTER 7; AND ADDING A SECTION 2-57 OF ARTICLE III OF CHAPTER 2 THEREOF, PROVIDING FOR THE ADOPTION OF REVISED LOWEST FLOOR ELEVATIONS FOR RESIDENTIAL AND NONRESIDENTIAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Rosenberg has declared the application and enforcement of flood prevention and protection regulations to be necessary for the promotion of the public health, safety, and general welfare of the community; and,

WHEREAS, amendments to these flood prevention and protection regulations are periodically needed to ensure the City of Rosenberg Unified Development Code remains consistent with applicable State and Federal laws, and with Fort Bend County rules and regulations.

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

Section 1. The Unified Development Code of the City of Rosenberg, Texas, is hereby amended by amending Section 2-52 of Article III of Chapter 2; Section 4-132 of Article V of Chapter 4; Section 7-57 of Article VII of Chapter 7; and adding a Section 2-57 of Article III of Chapter 2 thereof, providing for the adoption of revised Lowest Floor Elevations for Residential and Nonresidential Construction as follows:

“CHAPTER 2 - FLOOD PREVENTION AND PROTECTION

ARTICLE III. - PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 2-52. - Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article I, Section 2-5, (ii) Article II, Section 2-32(H), or (iii) Article III, Section 2-53(C), the following provisions are required:

- A. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to the higher of the elevations as defined in Section 2-57. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in Article II, Section 2-33(A)(1), is satisfied.

- B. 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 the higher of the elevations as defined in Section 2-57, 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 herein. 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.

- C. 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 flood waters. Designs for meeting this requirement must either be certified by

a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. 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.
2. The bottom of all openings shall be no higher than one (1) foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

D. Manufactured homes.

1. Require that all manufactured homes to be placed within Zone A on the city'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. The lowest floor of the manufactured home shall be elevated in accordance with Section 2-57 B.
2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the city'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 housing 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 the higher of the elevations as defined in Section 2-57 and be securely anchored to an

adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3. Require that manufactured homes be placed or substantially improved on-sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the city's FIRM that are not subject to the provisions of subsection (D) of this section be elevated so that either:

i. The lowest floor of the manufactured home is a minimum of the higher of the elevations as defined in Section 2-57; 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 thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

E. Recreational vehicles. Require that recreational vehicles placed on-sites within Zones A1-30, AH, and AE on the city's FIRM either (i) be on the site for fewer than one hundred eighty (180) consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article II, Section 2-33(A), and the elevation and anchoring requirements for "manufactured homes" in subsection (D) 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.

Sec. 2-57. – Minimum Slab Elevations.

A. All structures shall have a minimum slab elevation no lower than the higher of the following conditions:

1. The existing (Pre-Atlas 14) 500-year water surface elevation plus a minimum of twenty-four (24) inches, or
2. In the absence of an existing 500-year water surface elevation, the existing (Pre-Atlas 14) base flood elevation plus a minimum of forty-eight (48) inches, unless the structure is identified as being in the flood zone of the Brazos River, then the Brazos River existing (Pre-Atlas 14) base flood elevation plus twenty-four (24) inches; or
3. The existing (Pre-Atlas 14) 100-year water surface elevation or maximum ponding elevation based on an existing detention facility designed prior to the adoption of this ordinance plus a minimum of thirty (30) inches; or
4. Lowest top of curb elevation within, or adjacent to the property plus a minimum of twenty-four (24) inches; or in the absence of a curb, the highest natural ground along the perimeter of the building foundation plus a minimum of twenty-four (24) inches or twelve (12) inches above the down gradient roadway or any down gradient drainage restraint, whichever is higher.
5. In lieu of Section 2-57 A. 1.-4., the Atlas 14 100-year base flood elevation plus a minimum of twenty-four (24) inches, and no lower than the Atlas 14 500-year water surface elevation.

B. For structures located in a Zone A, the minimum slab elevation shall be the greater of the following:

1. The estimated existing (Pre-Atlas 14) base flood elevation plus forty-eight (48) inches; or
2. The Atlas 14 100-year base flood elevation plus twenty-four (24) inches, but no lower than the Atlas 14 500-year water surface elevation.

CHAPTER 4 - SUBDIVISIONS

ARTICLE V. - IMPROVEMENTS AND ACCEPTANCE OF THE SUBDIVISION

Sec. 4-132. - Flood damage prevention.

The lowest elevation of the first floor of all principal buildings is to be constructed in accordance with Section 2-57, Unified Development Code. All public streets are to be designed such that the lowest top of curb elevation is equal to or above the existing 100-year water surface elevation. The existing 100-year water surface elevation is considered to be the existing one hundred-year water surface elevation in the outfall channel or receiving stream designated to receive storm runoff from the proposed development. For levied areas subject to multiple outlet condition analysis conforming to the county's criteria, the aforementioned requirement is to be met for all conditions. Special consideration may be given to tracts containing natural aesthetic amenities within existing developed areas and served by existing outfall drainage facilities, where the addition of fill would result in the destruction of the amenities, and for which there is no other feasible method to meet the aforementioned criteria.

CHAPTER 7 - DESIGN STANDARDS

ARTICLE VII - SITE DEVELOPMENT REQUIREMENTS

Sec. 7-57. - Building Slab Elevations.

- A. Minimum building slab elevations within the City Limits shall be set at or above the elevations specified in Section 2-57 of the Unified Development Code. Minimum building slab elevations within the extraterritorial jurisdiction of the City of Rosenberg shall conform to the requirements of Fort Bend County."

Section 2. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any

reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Rosenberg, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 3. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount as provided in Section 1-13 of the Code of Ordinances of the City of Rosenberg. Each day of violation shall constitute a separate offense.

Section 4. This ordinance shall be effective upon passage, approval, and publication as required by law.

PASSED AND APPROVED by a vote of 7 "ayes" in favor and 0 "noes" against on this the second/final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on this the 18 day of February 2020.

ATTEST:

APPROVED:


Danyel Swint, TRMC, **City Secretary**


William Benton, **Mayor**

APPROVED AS TO FORM:


CITY ATTORNEY
Randle Law Office, Ltd., L.L.P.

