

ORDINANCE NO. 2016-33

AN ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 50 – FLOOD DAMAGE PREVENTION, BY REPEALING SEC. 50-56 – SEVERABILITY; REPEALING SEC. 50-57 – PENALTIES FOR NON-COMPLIANCE; ESTABLISHING A NEW SEC. 50-56 – ELEVATION AND LOT GRADING STANDARDS FOR STRUCTURES LOCATED IN ZONE X; ESTABLISHING A NEW SEC. 50-57 – SEVERABILITY; ESTABLISHING A NEW SEC. 50-58 – PENALTIES FOR NON-COMPLIANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, areas of the city are subject to periodic inundation; and

WHEREAS, uses vulnerable to floods become hazardous to their occupants and other land if not adequately elevated, flood-proofed, or otherwise protected from flood damage; and

WHEREAS, not all areas susceptible to periodic inundation are defined by FEMA's Flood Insurance Rate Mapping; and

WHEREAS, adequate flood protection of all structures located within the City of Burnet protects public health and safety, and therefore serves the best public interest;

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Chapter 50 – Flood Damage Prevention Amended.

City of Burnet, Code of Ordinances, Chapter 50 – Flood Damage Prevention is hereby amended as follows:

- (a) Sec. 50-56 – Severability and Sec. 50-57 – Penalties for non-compliance are hereby repealed.
- (b) A new Sec. 50-56 – Elevation and lot grading standards for structures located in Zone X.
 - a. All walls and foundations of structures shall be provided with protective slopes to assure immediate drainage and diversion of surface water away from these structures and off the site, said drainage and diversion to be provided as follows:

- (i) The lowest finished floor elevation (inclusive of garages, enclosed porches, etc.) of all structures shall be elevated not less than six inches (6") above highest adjacent, finished grade.

- (A) Lots, as measured from highest adjacent grade, shall provide a minimum fall of at least six inches (6") away from structures in ten feet (10'), except as restricted by side lot lines or other major considerations. The horizontal length of such slopes may be reduced as necessary at building corners and side yards.

- (B) In cases where highest elevation adjacent to a building pad is determined to be lower than top of curb or edge of paving, whichever is higher, of any adjacent right-of-way, fall, as measured from highest adjacent grade shall be increased to a minimum of twelve inches (12") in twenty feet (20'). The horizontal length of such slopes may be reduced as necessary at building corners, side yards, and other major considerations.

b. Exceptions

- (i) Lowest finished floor is elevated at least one foot above the calculated depth of flooding based on a Flood Elevation Study prepared by a registered professional engineer and documented by a registered professional land surveyor; or
- (ii) Structure is being erected on a building pad prepared in accordance with an approved subdivision drainage plan.

(c) A new Sec. 50-57 – Severability is hereby established as follows:

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

(d) A new Sec. 50-58 – Penalties for non-compliance is hereby established as follows:

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter

and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter 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. Nothing herein contained shall prevent the city council from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 3. Repealer. That other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

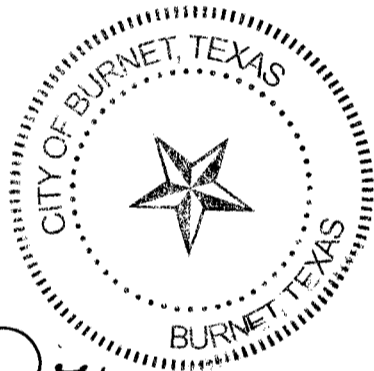
Section 4. Severability. That should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 5. Effective Date. That this ordinance is effective upon final passage and approval.

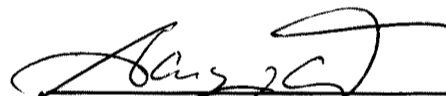
Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this 25th day of October, 2016.

FINALLY PASSED AND APPROVED on this 8 day of November, 2016.

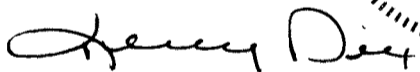


CITY OF BURNET, TEXAS



Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary