



AGENDA MEMORANDUM

Public Hearing and First Reading Ordinance for the City Council Meeting of April 9, 2019
Second Reading for the City Council Meeting of April 16, 2019

DATE: March 8, 2019
TO: Keith Selman, Interim City Manager
FROM: Nina Nixon-Méndez, FAICP, Director
NinaM@cctexas.com
(361) 826-3276

Ordinance amending City Code to revise regulatory standards related to freeboard, limit of moderate-wave action, and non-conversion agreement

CAPTION:

Ordinance amending the Code of Ordinances, Chapter 14, Article V, Flood Hazard Prevention adopting higher standards, and providing for penalties.

PURPOSE:

The purpose of this item is to revise the adopted Flood Hazard Prevention Code to include minimum language adopting higher regulatory standards.

BACKGROUND AND FINDINGS:

The City has adopted Flood Hazard Prevention Code within the Code of Ordinances, Chapter 14, Article V which was last revised by Ordinance 25647 on September 9, 2003. The proposed ordinance provides for language to adopt higher regulatory standards.

Higher Standards

The City is a participant in a voluntary program of the National Flood Insurance Program called the Community Rating System (CRS). This program provides points for going above and beyond the minimum standards of a participating community. The points offer different class ratings which result in premium discounts for flood insurance policies in a special flood hazard area. Currently, the City is a class 7 with 1,689 points which is 311 points away from a class 6. Being a class 7 community provides for a 15% discount and a class 6 would provide a 20% discount.

Adopting higher standards promotes increased public health, safety, and general welfare by minimizing public and private losses due to flood conditions in areas of special flood hazard. The ordinance provides language for the following higher standards that if once adopted would revise our minimum requirements.

Freeboard which is a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than depicted on Flood Insurance Rate Maps such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. Staff is currently proposing 1' of freeboard for adoption but can adopt any freeboard requirement dictated by Council. Freeboard would only apply to new construction and additions and not substantially damaged or substantially improved structures. Adoption of freeboard provides up to 100 points.

Limit of Moderate Wave Action (LiMWA) is an area directly behind a Velocity zone where there are anticipated waves heights of 1.5' to 3' also known as the Coastal AE zone. If adopted, the Coastal AE zone would enforce new construction to be constructed with Velocity Zone standards with elevated foundations on piers, pilings, or columns without the use of structural fill in lieu of slab-on-grade construction. This development standard helps to prevent erosion, scour, and foundation failure in the event of a surge event. Substantial Improvement would not have to meet the LiMWA standards. Adoption of LiMWA provides up to 500 points.

Non-Conversion Agreement is an agreement for new construction that has an area below the base flood elevation that is not enclosed. The agreement would require that enclosing the area require a permit and that it be used solely for parking, access or storage and not converted to a habitable space after the certificate of occupancy has been issued by Development Services. Adoption of a non-conversion agreement provides up to 90 points.

Outreach

Outreach for higher standards has been conducted in the past seven months with the following groups:

- Costal Bend Home Builders Association: July 11, 2018 and February 1, 2019
- Island Strategic Action Committee: August 7, 2018
- North Beach Community Association: August 9, 2018
- Planning Commission: July 11, 2018 and March 6, 2019
- Building Code Board of Appeals: August 16, 2018

Feedback was favorable for adoption of the higher standards.

The proposed amendment was posted on the Development Services webpage.

ALTERNATIVES:

Denial or alteration of proposed amendments.

OTHER CONSIDERATIONS:

Not applicable

CONFORMITY TO CITY POLICY:

The proposed text amendment conforms to City policy.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Legal

FINANCIAL IMPACT:

Operating Revenue Capital X Not applicable

Fiscal Year: 2018-2019	Current Year	Future Years	TOTALS
Line Item Budget			
Encumbered / Expended Amount			
This item			
BALANCE			

Fund(s):

Comments: None

RECOMMENDATION:

Staff recommends approval of the amendment.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Presentation