Ordinance amending the Unified Development Code to remove the floodplain administration regulations; and providing for penalties

WHEREAS, the Planning Commission has forwarded to the City Council its final report and recommendation regarding this amendment of the City's Unified Development Code ("UDC");

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, July 11, 2018, during a meeting of the Planning Commission when the Planning Commission recommended approval of the proposed UDC amendments, and on Tuesday, September 11, 2018, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

WHEREAS, these regulations also exist in the Corpus Christi Code of Ordinances Chapter 14, Development Services, Article V, Flood Hazard Prevention Code; and

WHEREAS, the City Council has determined that this amendment to the UDC would best serve the public's health, necessity, convenience, and the general welfare of the City and its citizens.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. UDC Article 1 "General Provisions", section 1.11 "Definitions" subsections 1.11.2 "Abbreviations" and 1.11.3 "Defined Term" are amended by adding the following language that is underlined (added) and deleting the language that is stricken (deleted) as delineated below:

1.11.2.   Abbreviations

Abbreviation	Term
FEMA	Flood Emergency Management Agency
FHBM	Flood Hazard Boundary Map
FIRM	Flood Insurance Rate Map

1.11.3.   Defined Terms

Areas Of Shallow Flooding: A designated AO, AH, or VO zone on the City's flood insurance rate map (FIRM) with a 1% or greater annual chance of flooding to an average depth 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.

Area Of Special Flood Hazard: The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in 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.

Breakaway Wall: 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.

Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources.

Existing 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 completed before the effective date of the floodplain management plan.

Existing Structure: For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the Flood Insurance Rate Map (FIRM) or before January 1, 1975, for FIRMs effective before that date. Existing construction also may be referred to as existing structures.

Flood Hazard Boundary Map (FHBM): An official map of a community on which FEMA has delineated both the areas of special flood hazards.

Flood Insurance Rate Map (FIRM): An official map of a community on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodplain or Flood-Prone Area: Any land area susceptible to being inundated by water from any source (see definition of Flooding).

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, and any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodway (or Regulatory Floodway): The channel of a river or other watercourse and the adjacent land areas that must be preserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Lowest Floor: The lowest floor of the lowest enclosed area, including a basement; provided that, an unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access, or storage in an area other than a basement is not considered a building's lowest floor if it is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured Home Park Or Subdivision, New: 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 completed on or after the effective date of floodplain management regulations adopted by the City.

Mean Sea Level: ~~For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on the City's flood insurance rate maps are referenced.~~

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 occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.~~

Substantial Damage: ~~Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.~~

Substantial Improvement: ~~Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market 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 either:~~

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 the local code enforcement official and which are the minimum necessary conditions; or~~

2. ~~Any alteration of an historic structure if the alteration will not preclude the structure's continued designation as an historic structure.~~

SECTION 2. UDC Article 2 "General", is amended by repealing section 2.11 "Floodplain Administrator" in its entirety.

SECTION 3. UDC Article 2 "General", Section 2.12 "Summary of Review Authority," is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below.

§ 2.12. Summary of Review Authority

The following table summarizes the powers and duties established in this Article.

Procedure	Floodplain Administrator	Building Official	Assistant Director for Planning	Assistant City Manager of Dev. Services	Landmark Commission.	Building Code Board of Appeals	Board of Adjustment	Planning Commission	City Council	Section
~~Floodplain Administrator Action~~										
~~Floodplain permit~~	~~D~~									~~3.22~~
Building Official Action										

Building Permit	R	D								3.18
Certificate of Occupancy		D								
Sign Permit for Construction Only		D								3.20
Temporary Use Permit		D								3.21
Assistant Director for Planning										
Annually Renewable Sign Permit			D							
Assistant City Manager of Development Services Action										
Beachfront Construction Certificate				D*/R						3.14
Site Plan				D						3.17
Written Interpretation				D						3.23
Administrative Adjustment				D						3.24
Landmark Commission Action										
Certificate of Appropriateness				R	D					3.15
Certificate of Appropriateness for Demolition				R	D/P					3.16
~~**Building Code Board of Adjustment Action**~~										
~~Floodplain Variance~~	~~R~~					~~D/P~~				~~3.26~~
Board of Adjustment Action										
Special Use Exception							D/P			3.12
Variance				R			D/P			3.25
Appeal of Administrative Decision							D/P			3.27
Planning Commission Action										
Preliminary Plat								D		3.8
Final Plat								D		3.8
Replat Without Vacation								D		3.11
Dune Protection Permit**				R				D		3.13
Beachfront Construction Certificate**				D				D		3.14
City Council Action										
Unified Development Code Text Amendment				R				R/P	D/P	3.2
Zoning Map Amendment (Rezoning)				R	R/P ***H			R/P	D/P	3.3
Historic Overlay District or Landmark Designation				R	R/P			R/P	D/P	3.4
Planned Unit Development								R/P	D/P	3.5
Special Permit								R/P	D/P	3.6

R = Review or
Recommendation D = Decision
P = Public Hearing Required
D* = Provided standards in 3.14.3 are met
** = Planning Commission acts as Beach/Dune Committee for Kleberg County beach areas
***H For property with a current or proposed Historic Overlay zoning district or Landmark designation

Note: Nueces County has authority to approve Dune Permits in Nueces County. Corpus Christi has the authority to approve Dune Permits in Kleberg County.

SECTION 4. UDC Article 3 "Development Review Procedures", is amended by repealing section 3.22 "Floodplain Permit" and section 3.26 "Floodplain Variance" in its entirety.

SECTION 5. UDC Article 7 "General Development Standards", is amended by repealing section 7.8 "Floodplain Hazard Reduction" in its entirety.

SECTION 6. Corpus Christi Code of Ordinance, Chapter 14, Article V. FLOOD HAZARD PREVENTION CODE as adopted by Ordinance No. 25467 is readopted in its entirety.

SECTION 7. If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance is held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it may not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance be given full force and effect for its purpose.

SECTION 8. A violation of this ordinance, or requirements implemented under this ordinance, constitutes an offense punishable as provided in Section 1-6 of the Corpus Christi Code of Ordinances.

SECTION 9. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 10. Effective date. This ordinance takes effect on upon publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the __11th__ day of __September__ 2018, by the following vote:

Joe McComb _____aye_____   Ben Molina _____aye_____

Rudy Garza _____aye_____   Everett Roy _____aye_____

Paulette Guajardo _____aye_____   Lucy Rubio _____aye_____

Michael Hunter _____aye_____   Greg Smith _____aye_____

Debbie Lindsey-Opel _____aye_____

That the foregoing ordinance was read for the second time and passed finally on this the __18th__ day of __September__ 2018, by the following vote:

Joe McComb _____aye_____   Ben Molina _____aye_____

Rudy Garza _____aye_____   Everett Roy _____aye_____

Paulette Guajardo _____aye_____   Lucy Rubio _____aye_____

Michael Hunter _____aye_____   Greg Smith _____aye_____

Debbie Lindsey-Opel _____aye_____

PASSED AND APPROVED on this the __18th__ day of __September__, 2018.

ATTEST:

Rebecca Huerta
Rebecca Huerta
City Secretary

Joe McComb
Joe McComb
Mayor

EFFECTIVE DATE
9/24/18

031540