

Amendment No. 1
Comprehensive Floodplain Management Regulations
Hidalgo County Drainage District No.1

Article II.

APPURTENANT STRUCTURE - means a structure which is on the same parcel of property as the principal structure to be insured or permitted and the use of which is incidental to the use of the principal structure.

AREA OF FUTURE CONDITIONS FLOOD HAZARD — means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING – means a designated AO, AH, AR/AO, AR/AH or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent change 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 flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is 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 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, AI-99, AR, AR/A, AR/AE, AR/AO, AR/AI—I, AR/A, VO, VI-30, VE or V.

BASE FLOOD ELEVATION (BFE) — means the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AI-I, A, AR, V, 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.

BREAKAWAY WALL - means 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 system.

COMMUNITY- means the unincorporated area in Hidalgo County, Texas.

COMPENSATORY STORAGE – means that whenever any portion of the Safety Flood Hazard Area is authorized for use, the space occupied by the authorized fill or structure below the Base Flood Elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation.

FLOOD ELEVATION STUDY - means 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.

REGULATORY FLOODWAY - means 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.

RIVERINE - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA - see Area of Special Flood Hazard

VIOLATION – means the 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 Section 60.3 (b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION – means the height in relation to the National Geodetic Vertical Datum (NGVD) OF 1929 or the North American Vertical Datum (NAVD) OF 1988 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain of coastal or riverine areas.

Article IV.

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

Raul E. Sesin, P.E., C.F.M. is hereby appointed the Floodplain Administrator, to administer and implement the provisions of this order and other appropriate Sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

SECTION C. PERMIT PROCEDURES

1. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not limited to, plans in duplicate drawn to scales showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed

structures, including the placement of manufactured homes and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required for a Floodplain Development Permit:

d. A study prepared by a registered professional engineer showing the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development and

Article V.

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage as specified in Technical Bulletin 2-08 (TB 2-08), "Flood Resistant Materials Requirements for Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program", and any revisions thereto;

SECTION B. SPECIFIC STANDARDS

1. Residential Construction – new construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. 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 IV, Section C (1)(a) is satisfied. A study prepared by a registered professional engineer showing that the proposed residential construction complies with Article IV, Section (B)(7)

2. 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 or above the base flood level 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 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 and study prepared by a registered professional engineer showing that the proposed nonresidential construction complies with Article IV Section (B)(7).

4. Manufactured Homes-

d. Require a study prepared by a registered professional engineer showing that the proposed manufactured homes comply with Article IV, Section (B)(7).

5. Recreational Vehicles-

b. Be fully licensed and ready for highway use (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); or

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

6. Whenever any portion of the Special Flood Hazard Area is authorized for use as part of a Subdivision proposal, compensatory storage is required. Any general alteration or development of the floodplain using this method requires a FEMA approved Letter of Map Change (LOMC).

SECTION F. SEVERABILITY

If any section, clause, sentence, or phrase of this Order 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 Order.

NOW THEREFORE, on the ____ day of _____, in a meeting of the Commissioners Court of Hidalgo County, Texas duly convened and acting in its capacity as the governing body of Hidalgo County, it is ORDERED by the Commissioners Court of Hidalgo County, Texas that the regulations attached and appended hereto entitled “REGULATIONS FOR FLOODPLAIN MANAGEMENT, HIDALGO COUNTY, TEXAS” are made a part of this Order and are adopted as the regulations of Hidalgo County, hereby superseding all prior floodplain regulations and all officials of Hidalgo County having duties under said regulations are ORDERED and DIRECTED to perform such duties as required of them under said regulations. This Order shall be effective retroactively to _____ upon its passage and execution in accordance with the law.

Signed this _____ day of _____, 2023.

COUNTY OF HIDALGO

BY: _____
Richard F. Cortez, County Judge

ATTEST:

BY: _____
Arturo Guajardo, Jr. , County Clerk