

ORDINANCE NO. 2022-06

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 50 (ENTITLED "FLOOD DAMAGE PREVENTION") BY AMENDING SECTION 50-56 (ENTITLED ELEVATION AND LOT GRADING FOR STRUCTURES LOCATED IN ZONE X"); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Council, by adoption of City Code Chapter 50, established a regulatory scheme to protect existing and new development from the dangers of storm water diversion and impoundment; and

WHEREAS, Sec. 50-56. Therein regulates the elevation and lot grading standards for structures located in Zone X.; and

WHEREAS, the City's technical advisory forum have recommended amendments to Sec. 50-56, that will provide additional regulatory protections in a manner that will reduce the time and costs associated with compliance; and

WHEREAS, the City Engineer and the Planning and Zoning Commission recommends approval of this amendment; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section one. Amendment. The Code of Ordinances, Chapter 50 (entitled "flood damage prevention") Section 50-56 (entitled "elevation and lot grading standards for structures located in Zone X") is hereby amended by adding the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as follows:

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:

- (1) The lowest finished floor elevation (inclusive of garages, enclosed porches, etc.) of all structures shall be elevated not less than six inches above highest adjacent, finished grade including topsoil and sod. At the time of setting the foundation formwork, which may be prior to final grade including topsoil and sod, the lowest finished floor elevation shall be elevated no less than twelve inches (12") above the highest adjacent grade.
 - a. Lots, as measured from highest adjacent grade, shall provide a minimum fall of at least six inches away from structures in ten feet, except where length is 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; provided however, the minimum fall of six inches (6") shall be maintained at any length less than ten feet (10').
 - 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; provided however, the minimum fall of twelve inches (12") shall be maintain at any length less than twenty feet (20').
 - c. No more than two (2) average residential lots may drain onto another lot, unless a drainage easement is dedicated to contain stormwater runoff.
- (b) Exceptions.
 - (1) 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, and approved by the City Engineer; or
 - (2) Structure is being erected on a building pad prepared in accordance with an approved subdivision ~~drainage plan~~ Master Drainage Plan, detailed Lot Grading Plan, and approved subdivision infrastructure plan. The detailed Lot Grading Plan shall provide minimum finished floor elevations for each structure on each lot based on elevating the slab twelve inches (12") above the highest adjacent grade of the foundation pad area. The Lot Grading Plan shall also identify the typical FHA or HUD lot grading types.
 - (3) If an applicant proposes to set finished floor elevation of a structure at an elevation lower than the minimum elevation shown on the approved detailed Lot Grading Plan, matching the Master Drainage Plan, the applicant shall submit a detailed lot specific grading plan, prepared by a registered professional engineer, to adjust the elevation as proposed. The detailed lot specific grading plan shall, at a minimum, depict structure finished floor elevation and sufficient lot grading control elevations to determine if the structure will not be properly elevated above the adjacent grade. The lot specific grading plan shall be submitted to the City, before, or at the time of building permit application and must be approved by the City before a building permit may be issued.

Section two. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section three. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "general penalty").

Section four. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled "Repealer") shall be controlling.

Section five. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section six. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

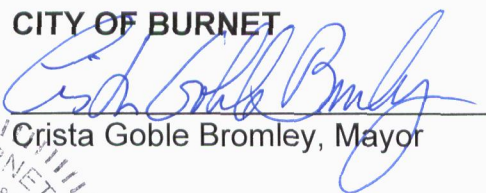
Section seven. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section eight. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof.


Passed on first reading on the 25th day of January 2022

Passed, Approved and Adopted on the 8th day of February, 2022

CITY OF BURNET


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

