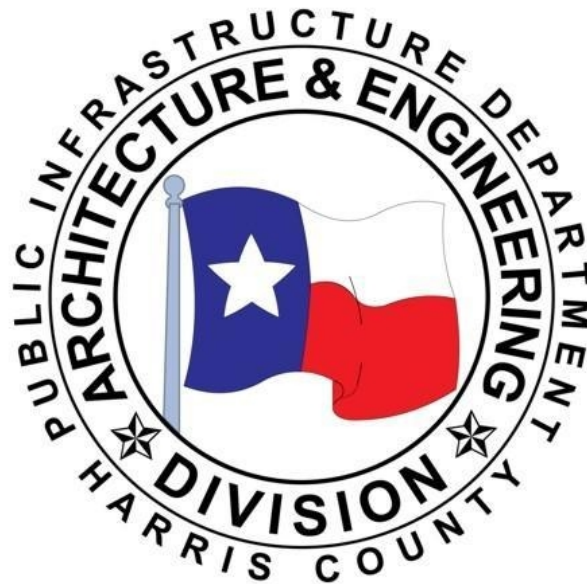


REGULATIONS OF HARRIS COUNTY, TEXAS

FOR

FLOOD PLAIN MANAGEMENT



AS

ADOPTED 5 JUNE 2007

EFFECTIVE 18 JUNE 2007

**HARRIS COUNTY
PUBLIC INFRASTRUCTURE DEPARTMENT
ARCHITECTURE AND ENGINEERING DIVISION**

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**REGULATIONS OF HARRIS COUNTY, TEXAS
FOR FLOOD PLAIN MANAGEMENT**

PART 1 - PRELIMINARY PROVISIONS

SECTION 1.01 - AUTHORITY

These Regulations are adopted by the Commissioners' Court of Harris County, Texas, acting in its capacity as the governing body of Harris County and the Harris County Flood Control District. The authority of Harris County to adopt these Regulations and for the contents hereof is derived from the following statutes: Texas Local Government Code Section 240.901, as amended; Texas Transportation Code Sections 251.001 - 251.059 and Sections 254.001 - 254.019, as amended; the Harris County Road Law, as amended; and the Flood Control and Insurance Act, Subchapter I of Chapter 16 of the Texas Water Code, as amended. These Regulations may be amended at any time by a majority of Commissioners' Court as approved by the appropriate federal authorities.

SECTION 1.02 - AREA COVERED BY REGULATIONS

These Regulations apply in all unincorporated areas of Harris County, Texas.

SECTION 1.03 - PURPOSE

The purpose of these Regulations is to provide land use controls necessary to qualify unincorporated areas of Harris County for flood insurance under requirements of the National Flood Insurance Act of 1968, as amended, to protect human life and health; to avoid increasing flood levels or flood hazards or creating new flood hazard areas; to minimize public and private losses due to flooding; to reduce the need for expenditures of public money for flood control projects; to reduce the need for rescue and relief efforts associated with flooding; to prevent or minimize damage to public facilities and utilities and to aid the public in determining if a property is in a potential flood area.

SECTION 1.04 - CONSTRUCTION OF REGULATIONS

These Regulations are to be construed liberally to accomplish their purpose and to assure that Harris County complies with all State and Federal Laws.

SECTION 1.05 - ABROGATION AND GREATER RESTRICTIONS

The Regulations of Harris County, Texas for Flood Plain Management heretofore existing are repealed. However, such prior Regulations shall continue to apply to construction pursuant to permits issued prior to the effective date of the Regulations. Except as herein above expressly provided, these Regulations are not intended to repeal, abrogate, or impair any existing laws, regulations, easements, covenants, or deed restrictions. Where these Regulations and other legal requirements conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 1.06 - WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by these Regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On occasion greater floods might occur, and flood heights could be increased by man-made or natural causes. These Regulations do not imply that any area or the uses permitted within any area will be free from flooding and flood damage. These Regulations shall not create liability on the part of Harris County or any officer or employee thereof for any flood damages that result from reliance on these Regulations or any administrative decision lawfully made thereunder. The granting of a permit does not imply that the development can be insured by Federal Flood Insurance.

SECTION 1.07 - FINDINGS OF FACT

It is hereby found by the Commissioners' Court of Harris County that severe flooding has occurred in the past within its jurisdiction and is likely to occur in the future, and that damage to property occurs for many reasons including flooding from the tidal waters of the Gulf of Mexico and that the entire area within its jurisdiction is a rising-water prone area.

SECTION 1.08 - BASIS FOR REGULATION

Harris County hereby adopts as the basis for Regulation the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) adopted on June 18, 2007, by the Federal Emergency Management Agency (FEMA) and any subsequent amendments or revisions thereto. Harris County hereby adopts as its regulatory floodways the floodways shown on the said FIRM.

PART 2 - USE OF TERMS

SECTION 2.01 - ACCESSORY BUILDING

“Accessory building” means a structure which is subordinate to, and the use of which is incidental to, that of the principal structure or use on the same property.

SECTION 2.02 - ADMINISTRATOR

“Administrator” means the Federal Emergency Management Agency Director.

SECTION 2.03 - BASE FLOOD

“Base flood” means a flood having a one percent chance of being equaled or exceeded in any one year. This flood is sometimes called a “1%” flood or “100-year flood”.

SECTION 2.04 - BASE FLOOD ELEVATION

“Base flood elevation” means the elevation or level above mean sea level that flood waters shall reach during the base flood.

SECTION 2.05 - BREAKAWAY WALL

“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 systems.

SECTION 2.06 - CERTIFICATE OF COMPLIANCE

“Certificate of Compliance” means a document issued by the County Engineer indicating a site is in compliance with the Regulations of Harris County, Texas for Flood Plain Management as of a specific date. The certificate may be filed in the Real Property Records as outlined in Section 7.01 of these Regulations.

SECTION 2.07 - CERTIFICATE OF NON-COMPLIANCE

“Certificate of Non-Compliance” means a document issued by the County Engineer indicating a site is not in compliance with the Regulations of Harris County, Texas for Flood Plain Management as of a specific date. The certificate also advises that legal action may be taken against the property owner and that a request for denial of flood insurance may be processed with the Federal Emergency Management Agency (FEMA). This certificate may be filed in the Real Property Records as outlined in Section 7.01 of these Regulations.

SECTION 2.08 - COASTAL AREAS

“Coastal Areas” mean areas which border on bays or estuaries or other waterways subject to tidal action which are subject to possible flooding or increased flood levels because of tidal action, hurricane surge or rising water due to storms, hurricanes or tsunamis. A “coastal area” is not necessarily in a “V” Zone. In cases where there is a question as to whether an area is a coastal area the County Engineer shall refer to the Flood Insurance Study.

SECTION 2.09 - CONVEYANCE

“Conveyance” means the flow of water during the base flood with a velocity that is greater than one foot per second or a depth that is greater than one foot.

SECTION 2.10 - COUNTY ENGINEER

“County Engineer” means the holder of the statutory office of County Engineer for Harris County or the employee designated by the County Engineer to perform a task required by these Regulations.

SECTION 2.11 - CRITICAL FACILITIES

“Critical Facilities” means those facilities essential to the preservation of life and property, including, but not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, facilities used for the storage of critical records, and commercial installations which produce, use or store hazardous materials or

hazardous waste as referenced in the Harris County Fire Code's High-Hazard Group (Group H) of the 2006 International Fire Code.

SECTION 2.12 - DEVELOPMENT

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. Fences or fence-type walls located within the flood plain are included within this definition.

“Development” shall not include (1) routine maintenance and repairs to existing structures; (2) residential accessory buildings or structures not located in A or V Zones with floor areas of less than one hundred fifty (150) square feet; and (3) other insignificant activities including the temporary storage of equipment or materials in the “X” Zones.

SECTION 2.13 – DFIRM

“DFIRM” means a digital version of the Flood Insurance Rate Map. DFIRMs may contain additional information not normally available on the paper map.

SECTION 2.14 - DRAINAGE

“Drainage” means runoff which flows over land as a result of precipitation. This shall include sheet flow, flow in streets and flows which may concentrate in local drainage systems with or without defined channels.

SECTION 2.15 - ELEVATION

“Elevation” means height above mean sea level. The North American Vertical Datum (NAVD) of 1988 (2001 Adjusted) shall be used. Any future studies changing the FIRM which is referenced to a later re-leveling of the vertical control system shall be used whenever a revised FIRM becomes effective.

SECTION 2.16 - ELEVATION CERTIFICATE

“Elevation Certificate” means FEMA Form 81-31, February 13, 2006 or subsequent revisions used to show elevations of real property in relation to base flood elevations.

SECTION 2.17 - EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

“Existing manufactured home park or subdivision” means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of flood plain management regulations adopted by Harris County on September 16, 1976.

SECTION 2.18 - EXPANSION

“Expansion” means an addition to an existing development. Different types of “expansions” are treated differently by these Regulations.

- (a) “Expansion of a structure” means an addition attached to, but outside of, either the vertical or horizontal confines of the existing structure or below the first floor level of a building elevated on posts or piers, but which is not a “substantial improvement” as defined by these Regulations.
- (b) “Expansion of a manufactured home park or subdivision” means the making of any additional manufactured home lots or spaces within an existing manufactured home park, or on land adjoining an existing manufactured home park.
- (c) “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, and the construction of streets).

SECTION 2.19 - FILLING

“Filling” means the placement of natural sands, dirt, soil or rock above the natural grade to raise the elevation of the ground. Fill may also include concrete, cement, soil cement, brick or similar material as approved on a case-by-case basis.

SECTION 2.20 - FLOOD INSURANCE RATE MAP

“Flood Insurance Rate Map” or “FIRM” means an official map of a community on which the Federal Emergency Management Agency has delineated the appropriate areas of flood hazards, the base flood elevations, and the risk premium zones applicable to the County. In these regulations this map shall be called “FIRM”. The map is divided into zones which are used for setting rates for flood insurance. Insurance rates, the type of permit, and the requirements of the permit will vary depending on the zone in which a property is located.

SECTION 2.21 - FLOOD INSURANCE STUDY

"Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles and the water surface elevation of the base flood.

SECTION 2.22 – FLOODPLAIN MITIGATION

“Floodplain Mitigation” means a hydraulically equivalent volume of floodplain storage sufficient to offset a reduction in floodplain storage or conveyance capacity.

SECTION 2.23 - FLOODPROOFING

“Floodproofing” means any structural and non-structural additions, changes, or adjustments to properties and structures which reduces or eliminates flood damages to lands, water and sanitary facilities, other utilities, structures, and contents of buildings.

SECTION 2.24 - FLOODWAY

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved to carry and discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

SECTION 2.25 - HABITABLE FLOOR

“Habitable Floor” means any floor of a building or structure usable for sleeping, living, cooking, working, recreation or any combination thereof. Bathrooms and utility rooms are included in this definition, as are storage areas greater than one hundred fifty (150) square feet in size.

SECTION 2.26 - HIGHEST ADJACENT GRADE

“Highest Adjacent Grade”, as it applies to an elevation certificate, means the highest natural elevation of the ground prior to construction next to the proposed walls of a structure.

SECTION 2.27 - LANDSCAPING

“Landscaping” means the placement of trees, shrubs, or plants for the purpose of beautification.

SECTION 2.28 - LEVEE

“Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

SECTION 2.29 - LOWEST ADJACENT GRADE

“Lowest Adjacent Grade”, as it applies to an elevation certificate, means the lowest elevation of the finished grade immediately next to the structure.

SECTION 2.30 - MANUFACTURED HOME

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent

foundation when connected to the required utilities. For flood plain management purposes the term “manufactured home” also includes recreational vehicles and other similar vehicles placed on a site for greater than 180 consecutive days.

SECTION 2.31 - MANUFACTURED HOME PARK OR SUBDIVISION

“Manufactured home park or subdivision” means the entire parcel (or contiguous parcels) of land, including the appurtenant improvements, which has been improved so that it contains two or more manufactured home lots available for the placement thereon of manufactured homes for occupancy, whether the sites are sold (subdivision) or rented (park).

SECTION 2.32 - MEAN SEA LEVEL

“Mean Sea Level” means the average height of the surface of the sea for all states of the tide as was established by the United States Coastal and Geodetic Survey in 1929.

SECTION 2.33 - NATURAL GROUND

“Natural Ground” means the grade unaffected by construction techniques such as fill, landscaping, or berms.

SECTION 2.34 - NORTH AMERICAN VERTICAL DATUM (NAVD)

"North American Vertical Datum (NAVD)", as corrected in 1988 (2001 adjusted), is a vertical control used as a reference for establishing varying elevations within the floodplain. If a datum other than NAVD 88 is used then the datum must be listed as the reference datum on the applicable FIRM panel. If a datum other than NAVD 88 is used, a conversion to NAVD 88 must be provided on the Elevation Certificate.

SECTION 2.35 - PERMITS

“Permits” shall mean a permit as required by these Regulations. A Class “I” Permit is issued for any development that is located on a property where the elevation of the ground is above the base flood elevation. A Class “II” Permit is issued for any

development that is located on a property where the ground elevation is below the base flood elevation or subject to flooding as determined by these Regulations.

All County projects shall have a signature block on the drawing, which verifies compliance with these regulations. The executed signature block acts as a permit for County projects for the purpose of these regulations.

SECTION 2.36 - PERSON

“Person” includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including State and Local governments and agencies thereof.

SECTION 2.37 - RECREATIONAL VEHICLE

Recreational vehicle” means a vehicle that is: (1) Built on a single chassis; (2) Four hundred square feet or less when measured at the largest horizontal projections; (3) Designed to be self propelled or permanently towable and (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SECTION 2.38 - START OF DEVELOPMENT

“Start of Development” means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, or the placement of a manufactured home on a foundation. Included within this definition is grading and filling, installation of streets or underground utilities and other such development. A permit is required prior to the start of any development.

SECTION 2.39 - STRUCTURE

“Structure” means a walled and/or roofed building or a gas or liquid storage tank which is principally above ground. A manufactured home on a permanent foundation is a structure. The term includes a building which is in the course of construction, alteration or repair.

