

# THE COUNTY OF CAMERON

BUILDING REGULATIONS AS REQUIRED

BY

THE NATIONAL FLOOD INSURANCE ACT

TITLE 42

## **THE COMMISSIONERS COURT**

COUNTY JUDGE

HONORABLE CARLOS H. CASCOS

COUNTY COMMISSIONERS

SOFIA C. BENAVIDES, PRECINCT NO. 1

ERNIE HERNANDEZ, PRECINCT NO. 2

DAVID A. GARZA, PRECINCT NO. 3

DAN SANCHEZ, PRECINCT NO. 4

ADOPTED BY COMMISSIONERS COURT ORDER #201309025  
REVISED DATE FEBRUARY 2, 2021

**NOTICE OF AMENDMENTS**

<b>Amendment Number</b>	<b>Date of Amendment</b>	<b>Page</b>	<b>Type of Amendment</b>
1.	2/2/21	1-33	Clarifications/Updates

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STATE OF TEXAS

COUNTY OF CAMERON

RESOLUTION

On this the 8th day of August, 2013, the Commissioners' Court of Cameron County, Texas convened in a special meeting with the following members present:

Carlos H. Cascos	County Judge
Sofia C. Benavides	Commissioner Precinct No. 1
Ernie L. Hernandez, Jr.	Commissioner Precinct No. 2
David A. Garza	Commissioner Precinct No. 3
Dan A. Sanchez	Commissioner Precinct No. 4

when the following proceedings, inter alia, where had, to wit:

BE IT RESOLVED that on the 11 day of February 1991, the Commissioner Court promulgated an Order For Flood Control, pursuant to the NATIONAL FLOOD INSURANCE ACT OF 1968, Title 42 United States Code Section 4001 through 4127, and related state laws authorizing Texas counties to do so, as set fourth in said order, which Order was to control and regulate the development of flood prone areas in a manner that would reduce losses due to flooding.

BE IT RESOLVED that the Cameron County Commissioners Court wishes to replace Order #1991-2 with a newly-promulgated Order that would conform to the current drafting practices of the Commissioners Court as regards its Orders, and the current needs of the County.

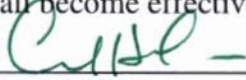
BE IT RESOLVED that the Cameron County Commissioners Court wishes to now replace Order #1991-2 with Order # 2013O9025.

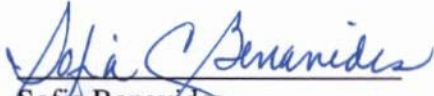
BE IT RESOLVED that a public hearing was conducted at the Cameron County Courthouse to consider and approve the promulgation of this new Order of the Cameron County Commissioners Court.

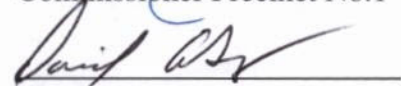
BE IT RESOLVED that pursuant to V.T.C.A., Local Government Code, Section 240.901 and V.T.C.A., Water Code Sections 16.315 and 16.318, a Commissioners Court is authorized to regulate, restrict and or control the management and use of land, structures and other development in flood losses.


BE IT RESOLVED that at the conclusion of the said Public Hearing, the Cameron County Commissioners Court voted to approve the proposed Order, drafted by the Civil Legal Division for the Cameron County Commissioners Court at the request of the Cameron County Engineer's Office (as based on a model Ordinance submitted and required by the United States Government).


NOW, THEREFORE, IT IS ORDERED by the Cameron County Commissioners Court that the following rules and regulations are adopted in and for Cameron County, Texas on this the 8<sup>th</sup> day of August, 2013 and which shall become effective on such date.

  
\_\_\_\_\_  
Carlos H. Cascos, CPA  
Cameron County Judge

  
\_\_\_\_\_  
Sofia Benavides  
Commissioner Precinct No.1

  
\_\_\_\_\_  
David A. Garza  
Commissioner Precinct No. 3

  
\_\_\_\_\_  
Ernie L. Hernandez, Jr.  
Commissioner Precinct No. 2

  
\_\_\_\_\_  
Dan A. Sanchez  
Commissioner Precinct No. 4

Attested By:  
  
\_\_\_\_\_  
Joe G. Rivera, County Clerk



# PART 1

## ARTICLE 1.00 - PURPOSE

The purpose of these Regulations is to provide land use controls necessary to qualify unincorporated areas of Cameron 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, and etc. as stated below:

1. Cameron County, acting by and through the Cameron County Commissioners Court, is concerned with the safety and general welfare of the citizens and residents of the County.
2. Cameron County, by adopting this order, can participate in the National Flood Insurance Program established by the United States of America.
3. The lack of proper regulation and ultimately the lack of such insurance creates an inconvenience to the citizens and residents of Cameron County, and inhibits the safe and orderly development of Cameron County.
4. Pursuant to V.T.C.A., Local Government Code, Section 240.90 I, Cameron County can regulate, restrict, and or control the use of land structures, and other development in a flood prone area, or rising water prone areas to reduce the danger of damage caused by flood losses.
5. Cameron County, acting by and through the County Commissioners Court, wishes to enact a new Order (replacing any existing Orders) to regulate such uses and development.
6. Cameron County, by having such a new Order, will be adopting regulations and standards which will meet the requirement established or required by the National Flood Insurance Act of 1968, it being the purpose of such Order to promote the public health, safety and general welfare, and, to minimize public and private losses due to flood conditions in specific areas, there being provision in the Order designed to: a) protect human life and health; b) minimize the expenditure of public money for costly flood control projects; c) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; d) minimize prolonged business interruptions; e) minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in flood plain : f) help maintain a stable tax base by providing the sound use and development of flood prone areas in such a manner a to minimize future flood blight area; and g) insure that potential buyers are notified that property is in a flood prone area.
7. The Order to be adopted, to accomplish its stated purposes will use the following methods: a) the restriction or prohibition of uses that are dangerous to health, safety or property in times of flooding, or cause excessive increases in flood heights or velocities; b) the requirement that uses

vulnerable to floods, including facilities which serve such uses, be protected against flood damage at times of initial construction; c) the controlling of the alteration of natural floodplain, stream channels, and natural protective barriers, which are involved in the accommodations of flood waters; d) the controlling of filling, grading, dredging and other development which may increase flood damage; and e) the prevention or regulation of the construction of flood barriers which will unnaturally divert flood waters that may increase flood hazards to other lands.

8. Severe flooding has occurred in the past within the corporate limits of Cameron County, Texas and will certainly occur within the future; moreover, since flooding is likely to result in the infliction of serious personal injuries or death, and is likely to result in substantial injury to or destruction of property within said corporate limits, to effectively comply with minimum standards of coverage under the National Flood insurance Program, and in order to effectively remedy the situation described herein, it is necessary that this Order become effective immediately.

## ARTICLE 1.01 - USE OF TERMS

In this Order, the following rules of interpretations shall apply in the interpretation and enforcement of this Order:

1. Words used in present tense include the future tense.
2. Words in the singular number include the plural number, and words in the plural number include the singular number.
3. The word "building" includes the word "structure," and the word "lot" includes the word "plot".
4. The word "shall" is mandatory and not discretionary, while the word "may" is merely directory or discretionary.
5. Unless specifically defined below, words, or phrases used in this Order shall be interpreted to give them the meaning they have in common English usage and to give this Order its most reasonable application; however, construction of building and engineering terms, even though definitions for same are not expressly prescribed herein, are to be constructed in accordance with the customary usage associated with municipal planning and engineering practices.
6. Any reference to any County office in this Order refers to the person employed or appointed by the County to serve in and for that office, or his or her duly authorized representative.

## ARTICLE 1.02 - DEFINITIONS

1. ACCESSORY BUILDING means a structure that is accessory to and incidental to that of the dwelling and that is located on the same lot.

2. ALLUVIAL FAN FLOODING means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows, active processes of erosion, sediment transport and deposition, and unpredictable flow paths.
3. APEX means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
4. APPEAL means a request for a review of the Building Official's interpretation of any provision of this Order or a request for a variance to the Board of Adjustments and Appeals.
5. AREA OF SHALLOW FLOODING means a designated "AO", "AH", or "VO" Zone on a communities Flood Insurance Rate Map (or FIRM) with a one percent or greater 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 flooding" may be evident, wherein such flooding is characterized by "ponding" or "sheet flow".
6. AREA OF SPECIAL FLOOD HAZARD means the land in the flood plain within a community subject to a one percent or greater change of flooding in any given year, the area may be designated as Zone A on the Flood Insurance Rate Map, and, after detailed rate making, has been completed in preparation for publication of the Flood.
7. BASE FLOOD means a flood having a one percent chance of being equaled or exceeded in any given year.
8. BASEMENT means any area of the building having its flood subgrade (below ground level) on all sides.
9. BREAK.AWAY WALLS 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.
10. BUILDING means an enclosed structure anchored to permanent foundation and having exterior or party walls and a roof, designed for the shelter of persons, animals, or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway shall be deemed as one building.
11. BUILDING OFFICIAL means the officer or other authority designated with the administration and enforcement of this Order.
12. COASTAL HIGH HAZARD AREA means 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.

13. COMMISSION means the Zoning, Subdivision and Flood Control Commission of the County, which, if not appointed, would be the Commissioners Court of Cameron County, Texas.
14. COMMISSIONERS COURT means the Cameron County Commissioners Court.
15. COMMUNITY means any State or area or political subdivision thereof, or authorized tribal organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.
16. CRITICAL FEATURE means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
17. DEVELOPMENT means any man-made change in improved and 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.
18. DWELLING UNIT - means any building or portion thereof which is designed for or used primarily for residential occupancy for the purpose of human habitation, but not including hotels, boarding houses, trailers, motor coaches, or other recreational vehicles.
19. ELEVATED BUILDING means a "non basement building": (i) built, in the case of a building in Zones "A1-A30", "AE", "A", "A99", "AO", "B", "C", "X", and "D", to have the top of the elevated floor, or in the case of a building in Zones "V1 -V30", "VE" , or "V", to have the bottom of the lowest horizontal structural "member" of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the "floor" of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of a "Base Flood"; in the case of Zones "A 1-A30" "AE", "A", "A99", "AO", "B", "C", "X", and "D", "Elevated Building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters; in the case of Zones "V 1-V30", "VE" , or "V", "Elevated Building" also includes a building otherwise meeting the definition of "Elevated Building" even though the lower area is enclosed by means of Breakaway walls meeting the standards of Section 60.3 (e) (5) of the National Flood Insurance Program regulations.
20. ENGINEER means a person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or after amended, to practice the profession of engineering.
21. EXCEPTION means a waiver from this provision of Part 60 of this subchapter directed to a community which relieves it from the requirements of a rule, regulation, order or other determination made or issued pursuant to the Act.
22. EXISTING CONSTRUCTION means for the purposes of determining the rates, structures for which the "state of construction" commenced before the effective date of the FIRM or before

January 1, 1975, for FIRMS effective before that date. "Existing construction" may also be referred to as "existing structures."

23. EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is 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) is completed before the effective date of this order.
24. EXPANSION TO AN EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION means the preparations of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
25. FLOOD OR FLOODING means the general and temporary condition of partial and complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters; or (b) the unusual and rapid accumulation or run-off of surface waters from any source.
26. FLOOD INSURANCE RATE MAP (also known as "FIRM") means an official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
27. FLOOD INSURANCE STUDY means the official report provided by the Federal Insurance Administration which contains flood profiles, the water surface elevation of the "Base Flood", and the Flood Hazard Boundary Floodway Map.
28. FLOODPLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
29. FLOODPLAIN MANAGEMENT REGULATIONS means zoning ordinances or orders, subdivision regulations, building codes, health regulations, special purpose ordinances or orders (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
30. FLOOD PLAIN OR FLOOD PRONE AREA means any land area susceptible to being inundated by water from any source (as suggested in the definition above for "Flood or Flooding").
31. FLOOD PRONE AREA means any area which can reasonably be expected to be subject to periodic flooding; for the purpose of these regulations, the term is generally synonymous with "Flood Plain Area".

32. FLOOD PROOFING means any combination of structural and non-structural additions, changes, or adjustments to properties and structures primarily for the reduction or elimination of flood damage to land, water, sanitary facilities, structures, and the contents of buildings.
33. FLOOD PROTECTION SYSTEM means those physical structural works for which funds have been authorized, appropriated, and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and to reduce the extent of the depths of associated flooding. Such system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes and these specialized flood-modifying works are those constructed in conformity with sound engineering standards.
34. FLOODWAY ENCROACHMENT LINES means the lines marking the limits of floodway on official federal, state and local "Flood Plain" maps.
35. FLOODWAY (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.
36. FUNCTIONALLY DEPENDANT USE means a "use" which cannot perform its intended purpose unless it is located or carried out in close proximity to water, and includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, ship building, and ship repair related manufacturing facilities.
37. HABITABLE FLOOR means a space in a building for living, sleeping, eating, or cooking. Bathroom, toilet room, closet, storage or utility spaces and similar areas are not considered habitable spaces.
38. HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
39. HISTORIC STRUCTURE means any structure that is:
- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
  - c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  - d. individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

- i. by an approved state program as determined by the Secretary of the Interior, or
  - ii. directly by the Secretary of the Interior in states without approved programs.
- 40. 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.
- 41. LEVEE SYSTEM means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- 42. LOWEST FLOOR means lowest floor of the lowest enclosed area (including a basement) of a building or a structure; however, an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a "Lowest Floor", provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.
- 43. 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 permanent foundation when connected to the required utilities. For flood plain management purposes, the term "Manufactured Home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "Manufactured Home" does not include park trailers, travel trailers, and other similar vehicles.
- 44. MEAN SEA LEVEL means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (also known as "NGVD") of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance rate Map are referenced.
- 45. NEW CONSTRUCTION means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood plain management purposes, "new construction" means structures for which the "start construction" commenced on or after the effective date of a flood plain management regulation adopted by a community and includes any Subsequent improvements to such structures.
- 46. NEW MANUFACTURED HOME PARK OR SUBDIVISION means 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 pouring of concrete pads) is completed on or after the effective date of flood plain management regulations adopted by a community.

47. PRIMARY FRONTAL DUNE means 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 over topping 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.
48. RECREATIONAL VEHICLE means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
49. REROOFING means the process of recovering or replacing an existing roof covering.
50. SAND DUNES mean naturally occurring accumulations of sand in ridges of mounds landward of a beach.
51. START OF CONSTRUCTION (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [Pub. L. 97-3481J), includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement permanent construction of a structure on a site, such as the pouring of slab or footing, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footing, piers or foundation or the erection of temporary forms nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimension of the building.
52. STRUCTURAL ALTERATIONS means any change in the supporting features of a building such as bearing walls, columns, beams, or girders.
53. STRUCTURE means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as manufactured home.

54. SUBDIVISION means a division of any tract of land in Cameron County, situated outside the corporate limits of a city, in two or more parts for the purpose of laying out any subdivision of any tract of land or any addition, or laying out suburban lots, building lots, mobile trailer lots, or any other lots, or any streets and alleys or parts or other portions thereof intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto.
55. SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
56. SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either: (1) before the improvement or repair is started; or (2) if the structure has been damaged and is being restored, before the damage occurred. "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; "Substantial Improvement" does not include either (1) any project for improvement of a structure to comply with existing state of local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed Inventory of Historic Places, but only when such alteration is undertaken to preserve the historic value of such structure.
57. SURVEYOR means a licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the State of Texas to practice the profession of surveying.
58. TEMPORARY STRUCTURE means any structure that is not designed for long-term, permanent use, but merely to serve some non-residential, temporary function.
59. TEX.AS OPEN BEACHES ACT means the statute enacted by the Texas Legislature in 1959 which prohibits encroachment by private owners on the area seaward of the line of vegetation in areas fronting on the Gulf of Mexico.
60. VARIANCE is a grant of relief to a person from the requirement of this Order when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Order. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)
61. VIOLATION means the failure of a structure or other development to fully comply with the community's flood plain management regulations or building code regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by Section 60.3 (b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) of

the National Flood Insurance Program Regulations is presumed to be in violation of said Regulations until such time as the required documentation is provided.

62. WATER SURFACE ELEVATION means the height, in relation to the National Geodetic Vertical Datum "(NGVD)" of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.
63. ZONE A areas of the 100-year flood where base flood elevations and/or flood hazard factors have not been determined.
64. ZONE AO areas of 100-year shallow flooding where depths are between 1.0 and 3.0 feet; average depths of inundation are shown, but no flood hazard factors are determined.
65. ZONE AH areas of 100-year shallow flooding where depths are between 1.0 and 3.0 feet; and base flood elevations are shown, but no flood hazard factors are determined.
66. ZONE A I-A30 areas of 100-year flood, base flood elevations and flood hazard factors are shown.
67. ZONE A99 areas inundated by the 100-year flood to be protected by a flood protection system under construction, base flood elevations and flood hazard factors are determined.
68. ZONE B/X (SHADED) areas between limits of the 100 year and 500-year flood, or areas subject to 100-year flooding with average depths of less than one (1) foot, or areas where the contributing drainage area is less than one (1) square mile, or areas protected by levees from the base flood.
69. ZONE C/X areas of minimal flood hazard.
70. ZONE D areas of undetermined but possible flood hazard. The Federal Emergency Management Agency does not require regulations in D Zones.
71. ZONE V areas of 100-year coastal flooding with velocity (wave action); base flood elevations and flood hazard factors not determined.
72. ZONE VE & V1-V30 areas of 100-year coastal flooding with velocity (wave action); base flood elevations and flood hazard factors determined.

## ARTICLE 1.03-STATEMENT OF INTENT FOR INTERPRETATION

### PURPOSES

This Order is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Order and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail. In the interpretation and application of this Order, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

## PART 2

### ARTICLE 2.00 - AUTHORITY

These regulations are adopted by the Commissioners Court of Cameron County, Texas acting in its capacity as the governing body of Cameron County. These regulations may be amended at any time by a majority of Commissioners Court, upon approval of the appropriate federal authorities.

### ARTICLE 2.01 - AREAS COVERED BY REGULATIONS

These regulations apply in all unincorporated areas of Cameron County.

### ARTICLE 2.02 - BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering revised report entitled "Flood Insurance Study Unincorporated Areas of Cameron County, Texas" dated March 9, 1999 and with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps, (FIRM and FBFM) any revisions thereto are hereby adopted by reference and declared to be a part of this Order.

### ARTICLE 2.03 - WARNING AND DISCLAIMER AND LIABILITY

The degree of flood protection required by this Order is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. Accordingly, these Regulations do not imply that land outside the areas of "special flood hazards" or uses permitted within such areas will be free from flooding or flood damage. These Regulations, therefore, shall not create liability on the part of the community or any official or employee thereof for any flood damage that results from reliance on these Regulations or any administrative decision lawfully made thereunder.

### ARTICLE 2.04 - REQUIREMENT OF BUILDING PERMIT

A Building Permit shall be required to insure conformity with the provisions of this Order in connection with any development in the area governed by this Order. Accordingly, no structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Order and other applicable regulations.

## PART 3

### ARTICLE 3.00 - ADMINISTRATION BY THE COUNTY ENGINEER

The Cameron County Engineer or his/her designee is responsible for the following: (1) the administration of the Regulations under this Order; (2) issuance of permits required by these Regulations; (3) enforcement of these Regulations; (4) maintaining proper records; and (5) forwarding any discrepancy he/she finds in the FIRM to the Federal Insurance Administrator.

### ARTICLE 3.01 -FLOOD CONTROL ADMINISTRATION PROCEDURE

The Cameron County Engineer or his/her designee is hereby appointed the Cameron County Floodplain Administrator to execute and implement the provisions of this Order, other appropriate Sections of 44 C.F.R. 59.001 through 77.309, and the National Flood Insurance Program Regulations, pertaining to flood plain management.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

1. The maintenance of and provisions for public inspection of all records pertaining to the provisions of this Order;
2. The review of permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding;
3. The review, approval, or denial of all applications for permits required by the adoption of this Order;
4. The review, approval, or denial of all subdivision plats required to be submitted and recorded with the Cameron County Engineering Department.
5. The review of permits for proposed developments to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
6. The determination of the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
7. Obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 5 of this Order, when base flood elevation data has not been provided in accordance with Article 2.02 of this Order.

8. Prohibit new construction, substantial improvements, or other developments (including fill) within Zones A 1-30 and AE in Cameron County's FIRM, when a regulatory floodway has not been designated. Such developments may be permitted if it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within Cameron County.
9. Approve, pursuant to the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program Regulations, certain development in Zones A1-30, AE, and AH on Cameron County's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that Cameron County first applied for a conditional FIRM revision through FEMA.

## ARTICLE 3.02 - CHANGES IN MAPS

All requests for letters of map amendment (LOMA) and letters of map revisions (LOMR) initiated by any person must be first reviewed by the County Engineer or his/her designee or the Building Official or his/her designee. The County Engineer or his/her designee may require the submission of any data he/she deems relevant to determine if such approval shall be granted. The County Engineer or his/her designee shall delay the submittal of the requests to the Federal Insurance Administrator until completely satisfied with receipt of the aforementioned data. The Commissioners Court may set a fee to cover the cost of reviewing and processing said requests. No individual shall change the designated flood plain of the FIRM until in complete compliance with this section.

## PART 4

### ARTICLE 4.00 - PERMIT PROCEDURE

Application for any development in the unincorporated areas of Cameron County will require a permit. Permit process shall be:

1. An application for a permit shall be presented to the Floodplain Administrator or his/her designee or to the Building Official or his/her designee on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of the proposed and existing structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. An application may be picked up at the Planning and Inspections Division located at 1390 W. Expressway 83, San Benito, Texas. The applicant will fill out the form and return it to the Planning and Inspections Division.

2. The Building Official will review development applications when submitted and determine if clearance on property is admissible for development or if the building or structure is allowed within Cameron County boundaries.
  - (a) The building official or his/her designee will visit the property to verify and obtain pictures that no construction has been erected, constructed, altered and/or moved into the property.
  - (b) Any work before issuance of permit may result in fines and may be asked to be removed.
3. If property does not meet Cameron County Subdivision guidelines, applicant is advised to hire the services of a professional Engineer or Registered Surveyor to plat and record the tract of land.
4. If property is a legally recorded and approved subdivision or exempt pursuant to Chapter 232 of the Texas Local Government Code, then the applicant is directed to the Cameron County Environmental Health Department to apply for an On-Site-Septic System if applicable, or to a utility provider to request sewer availability forms.
5. A copy of a septic tank permit is required before a building permit, electrical permit, and/or water meter permit will be approved by the Building Official.
6. For temporary structures, a temporary permit shall be required. The term length of the permit shall depend on the type of temporary structure. The types and term lengths of temporary permits include, but are not limited to:
  - a. Type I permit – a permit for temporary structure not requiring plumbing, electrical, or mechanical facilities with a use of four (4) weeks or less. The permit term length shall be four (4) weeks from the date of issue, and can be renewed after expiration for up to six (6) months, upon payment of renewal fees and reinspection.
  - b. Type II – a permit for a temporary structure. The permit term length shall be for six (6) months from the date of issue, and can be renewed after expiration, upon payment of renewal fees and reinspection.
7. The following is additional information that will be required in the application:
  - a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
  - b. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
  - c. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Part 5 of this Order.
  - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

1. Approval or denial of a permit by the Floodplain Administrator or Building Official shall be based on all of the provisions of this Order and the following relevant factors:
  - a. The danger to life and property due to flooding or erosion damage.
  - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - c. The danger that materials may be swept onto other lands to the injury of others.
  - d. The compatibility of the proposed use with existing and anticipated development.
  - e. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of street and bridges and public utilities and facilities such as sewer, gas, electrical, and water systems.
  - g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site.
  - h. The necessity to the facility of a waterfront location, where applicable.
  - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
  - j. The relationship of the proposed use to the comprehensive plan for that area.

## ARTICLE 4.01 - PERMIT FEES

On buildings, structures, alteration, or other matters requiring permits (as set forth in Article 4.03 of this Order, the International Building Code, and the International Residential Building Code), the permit fees to be paid are stated in the Valuation and Permit Fees shown below in letters A and B, followed by all other building related fees.

### A. Building Permit Fees for :

1. Valuations \$10,000.00 and less shall be \$45.00

2. Where the valuation exceeds \$10,000.00 and up to and including \$100,000.00 the fee shall be \$45.00 for the first \$10,000.00 plus \$3.00 for each additional thousand or fraction thereof.
3. Where the valuation exceeds \$100,000.00 up to and including \$500,000.00 the fee shall be \$315.00 for the first \$100,000.00 plus \$2.00 for each additional thousand or fraction thereof.
4. Where the valuation exceeds \$500,000.00 up to and including \$1,000,000.00 the fee shall be \$1,115.00 for the first \$500,000.00 plus \$1.00 for each additional thousand or fraction thereof.
5. Where the valuation exceeds \$1,000,000.00 the fee shall be \$1,615.00 for the first \$1,000,000.00 plus \$0.50 for each additional thousand or fraction thereof.

**B. Standard of Valuation:**

In determining the permit fee to be assessed against those applying for building permits within Cameron County, the valuation of construction shall be determined by the following schedule:

Residential Construction is calculated at:

Brick Veneer or Masonry Construction on concrete slab	\$46.00 per sq. ft.
Wood Frame and siding on concrete slab	\$42.00 per sq. ft.
Wood Frame and siding with pad and piers	\$38.00 per sq. ft.
Garages/Accessory Building (three or more sides covered) (attached or detached to structure).	\$21.00 per sq. ft.
Roofed Carports/Patios/Porch/Repair Remodel Roof/Pergula/Deck	\$15.00 per sq. ft.

Commercial construction is calculated at: \$48.00 per sq. ft.

Reroofing

- |                 |                      |
|-----------------|----------------------|
| i. Commercial   | \$100.00 per sq. ft. |
| ii. Residential | \$50.00 per sq. ft.  |

Swimming Pools Based by valuation

Temporary Structures are calculated at:

Type I (Uses for four weeks or less not requiring plumbing/electrical/mechanical)	\$15.00 per sq. ft.
Type II	\$48.00 per sq. ft.

C. Plan Review Fee \$50.00 per unit

D. Site Development Fee

A site development fee shall be charged for developments exempt from the County's Platting process and where the valuation of all the site improvements is or exceeds \$100,000.00. The valuation of the site improvements is based on estimated construction cost for the site. The Site Development fees for improvement values exceeding \$100,000.00:

1. Where the valuation is up to and including \$500,000.00 the fee shall be \$500.00 for the first \$100,000.00 plus \$4.00 for each additional thousand or fraction thereof.
2. Where the valuation exceeds \$500,000.00 up to and including \$1,000,000.00 the fee shall be \$2,100.00 for the first \$500,000.00 plus \$3.00 for each additional thousand or fraction thereof.
3. Where the valuation exceeds \$1,000,000.00 the fee shall be \$3,600.00 for the first \$1,000,000.00 plus \$2.00 for each additional thousand or fraction thereof, with a maximum fee of \$100,000.00

E. Moving of buildings or structures

- i. Commercial \$75.00 per unit plus mpg
- ii. Residential \$50.00 per unit plus mpg

Mpg is for structures outside the county only. Structures shall be thoroughly inspected before structure may be issued a moving permit.

F. Electrical (New Service, Upgrade, Repair, Relocate, or Reconnect)

- i. Commercial \$75.00 per meter
- ii. Residential \$50.00 per meter

G. Gas or Water Meter Inspection \$50.00 per meter

H. Reinspection Fee: \$75.00 per inspection

A reinspection fee shall be charged for each reinspection conducted by the Cameron County Building Department.

I. Certificate of Occupancy

- i. Commercial \$50.00 per unit
- ii. Residential \$25.00 per unit

J. Renewal fee for regular building permits will be calculated according to the percentage of completion of the construction determined by the Building Official or his/her designee, then multiplied by the original valuation. Renewal fee for temporary permits will be calculated by the latest valuation.

- K. Refund of a permit will be approved only if within a six (6) month period and no development has commenced since date of permit.

Note: Where work for which a permit is required by this Order is stated or proceeds without acquiring a permit, the fines shall be up to \$100.00 per day of violation, but not to exceed \$2,500.00 total fine. The payment of such fine shall not relieve any persons from fully complying with the requirements of this Order in execution of the work. The Building Official may revoke a permit or approval, issued under the provisions of this Order, when there has been any false statement or misrepresentation as to a material fact in the application or plans upon which permit or approval was based.

## ARTICLE 4.02 - VARIANCE PROCEDURE

- A. The Appeals Board, which is the Cameron County Commissioners Court, shall hear and render judgment on requests for variances from the requirements of this Order.
- B. The Appeals Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination enforced or made by the Flood Plain Administrator in the enforcement or administration of this Order.
- C. Any persons aggrieved by the decision of the Appeals Board may appeal such decision to the courts of competent jurisdiction.
- D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Order.
- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by the lots with existing structures constructed below the Base Flood Level, provided that the relevant factors in Article 4.00(7) of this Order have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases. A variance shall be granted showing the requirement would itself create a flood hazard to adjoining property, or if the adjoining area is substantially developed at a lower elevation, so as to make elevation impracticable.
- G. Upon consideration of the factors noted above and the intent of this Order, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Order.

- H. Variances shall not be issued within any designated Flood way if any increase in flood levels during the Base Flood discharge would result.
- I. The prerequisites for granting variances are as follows:
  - 1. Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard to afford relief;
  - 2. Variances shall only be issued upon: (a) a showing of good cause; (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to the public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, orders, or ordinances; and
  - 3. Any applicant to whom a variance is granted shall be given in writing a notice that the structure will be permitted to be built at a lower flood elevation than the Base Flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- J. Variances may be issued by the Cameron County Commissioners Court for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that: (a) the criteria outlined above are met, and (b) the structure or other development is protected by recognized methods to minimize flood damage during the base flood and creates no additional threat to public safety.

The County Engineer shall notify the applicant in writing that the issuance of a variance to construct below the base flood level will result in increased premium rates for the individual and in some instances the entire community, increases risks to life and property, and that the applicant will not qualify for Federal Emergency grants through the Federal Emergency Management Agency.

#### ARTICLE 4.03 - ENFORCEMENT; ACTION TO PREVENT AND ABATE

In accordance with Section 81.024 of the Texas Local Government Code granting Commissioners Court the power of contempt, any person who violates the terms, provisions or requirements of this Order shall be in contempt of the Cameron County Commissioner s Court. Said Court, on its own motion, or at the request of any interested person will conduct a hearing on any alleged violation of this Order and take appropriate action. No person shall erect, construct, reconstruct, alter, repair or convert any building structure, mobile home coach, land, install any plumbing, or electrical, until such person has obtained all necessary permits in compliance with Article 4.00. In case any building mentioned above is in violation of Article 4.00 of this Order, the County Engineer or his/her designee in addition to other remedies may

constitute any proper action or proceeding in the name of Cameron County to prevent any unlawful erection, construction, repairs, or conversion, to prevent the occupancy of such building, structure, mobile home, or land. If development has commenced and the individual is in violation of this Order, then Cameron County will notify the FEMA representative of this violation in writing with the proper documentation such as name of owner, property address or subdivision name, notification date of violation etc. In this predicament the individual will not be eligible for Federal Assistance from FEMA, for damage caused by rising flood waters.

## PART 5

### ARTICLE 5.00 - LAND USE AND CONTROL

In order to encourage only that development of flood prone areas which is appropriate, in the light of the probability of flood damage and the need to reduce flood losses, within the context of acceptable social and economic use of the land in relation to the hazards involved, and in order to avoid an increase in the danger to human life, and to discourage all other developments, the following restriction must be observed and not be limited: "No alterations, diversion, encroachment, or enlargement shall be made in the unincorporated areas of Cameron County unless approved by the County Engineer or his/her designee."

### ARTICLE 5.01 - DEVELOPMENT IN FLOOD PLAIN AREAS

#### GENERAL STANDARDS:

All Structures, being new construction or substantial improvements, within a flood prone area or flood hazard area must comply with the following requirements:

- a. Have the lowest finish floor elevated 12" above the Base Flood Elevation (BFE), the depth number specified in feet on Cameron County's FIRM, or (24") twenty-four inches above the highest level of Natural Ground Elevation, whichever is higher;
- b. Where no depth number is specified on the FIRM and tract lies in a flood hazard area, finish floor will be required to be at least (24") Twenty-four inches above highest adjacent grade;
- c. This elevation as noted above may be accomplished through the use of fill, raised foundation, piles or columns;
- d. Where the tract lies in areas of minimal flood hazard, the finished floor shall be at a minimum of 18" eighteen inches above natural grade;
- e. For all construction, the compaction of fill shall be a minimum 90% of uniform density and bottom of footing shall extend below the depth of the undisturbed soil a minimum of 12 inches;

- f. All construction shall be constructed with materials resistant to flood damage;
- g. Elevated foundations must be designed to withstand both hydrodynamics forces caused by velocity waters and hydrostatic forces caused by standing water (this may require added reinforcement in the walls and or a riprap or retaining wall);
- h. All structural components must be adequately connected and anchored to prevent flotation, collapse, or permanent lateral movement of the building during floods;
- i. Shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- j. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- k. New replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
- l. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**SPECIFIC STANDARDS:**

- a. Specific standards allow Cameron County to strengthen the elevation standards above the Base Flood Elevation which is called free boarding. This allows Cameron County to designate finish floor elevations where unknown factors may contribute to increased flood heights.
- b. Structures shall have the lowest floor (including basement) elevated above the Base Flood Elevation, and a registered professional engineer or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection is in compliance with Article 5.0I.
- c. 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 the 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.

- d. Enclosure areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Design for meeting this requirement must either be certified by a registered professional engineer, architect, or meet or exceed the following criteria: a) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; b) the bottom of all openings shall be no higher than one foot above grade; and c) openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry of floodwater.
- e. Manufactured Homes must be elevated and anchored to resist floatation, collapse, or lateral movement. These requirements are in addition to applicable and local anchoring requirements for resisting wind forces specified in the Texas Department of Housing and Community Affairs Chapter 10, the Texas Administrative Code Chapter 80, and the Texas Occupation Code, Section 1201. Where Manufactured Homes have incurred "substantial damage" as a result of a flood, the home shall be elevated on a permanent foundation such that the lowest floor of the home is at or above the Base Flood Elevation, and shall be securely anchored to an adequate foundation system.
- f. Require that manufactured homes that are placed or substantially improved within zones AI-30, AH and AE on Cameron County's FIRM on site: (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision, or (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- g. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones AI-3-, AH and AE on Cameron County's FIRM that are not subject to the provisions of this subsection be elevated so that either: (1) the lowest floor of the manufactured home is at or above the base flood elevation; or (2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely

anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- h. Recreational Vehicles placed in flood prone areas may either; a) be on site for fewer than 180 consecutive days, b) be fully licensed and ready for highway use, or c) meet the permit requirements of Article 5.01. 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.

## ARTICLE 5.02 - STANDARDS FOR SUBDIVISION PROPOSALS

- a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with this Order.
- b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet the permit requirements in this Order.
- c. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article.
- d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- e. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

## ARTICLE 5.03 - STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- a. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on Cameron County's FLRM (at least two feet if no depth number is specified).

- b. All new construction and substantial improvements of non-residential structures shall: (a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on Cameron County's FIRM (at least two feet if no depth number is specified; or (b) 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 of effects of buoyancy.
- c. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1) are satisfied.
- d. Require within Zones AH or AO adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

## ARTICLE 5.04-FLOODWAYS

Floodways located within areas of special flood hazard established in Article 3, Section B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within Cameron County's during the occurrence of base flood discharge.
- b. If Article 5, Section E(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable food hazard reduction provisions of Article 5.
- c. Under provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program regulations, Cameron County may permit encroachments within the adopted regulatory floodway provided that Cameron County first applies for a conditional FIRM and floodway revision through FEMA.

## Article 5.05 - COASTAL HIGH HAZARD AREAS

All structures, being new construction or substantial improvements, within Cameron County's FIRM Coastal High Hazard Area designated as Zones V I-V30, VE, and/or V have special flood hazards

associated with high velocity waters from tidal surges and hurricane wave wash, therefore, in addition to meeting all provisions outlined in this Order, the following provisions must also apply:

- a. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement. The Floodplain Administrator shall maintain a record of all such information.
- b. All new construction must be elevated on pilings and columns and landward of the reach of high tide so that;
  1. the bottom of the lowest horizontal structural member, of the lowest floor, be elevated to or above the designated Base Flood Elevation or (24) twenty-four inches above the natural surface whichever is greater. (relation to mean sea level).
  2. the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading value shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (3)(i) and (ii) of this Section.
- c. Provide that all new construction and substantial improvements have the space below the lowest floor either be free of obstruction or constructed with non-supporting breakaway walls (design safe to resist not less than 10 nor more than 20 pounds per square foot), open wood lattice-work, or insect screening intended to collapse under high wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such enclosed space shall be used solely for parking of vehicles, building access, or storage. For purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway wall which exceed a design safe lading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions: (1) breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and (2) the elevated portion of the building and supporting

foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water (structural and nonstructural).

- d. Prohibit the use of fill for structural support of buildings within the provisions of this section.
- e. Prohibit man-made alteration of sand dunes and mangrove stands which would increase potential flood damage.
- f. Manufactured Homes and Recreational Vehicle placed in Coastal High Areas must meet the minimum requirements of Article 5.01 thru Article 5.06.

## ARTICLE 5.06 - UTILITIES & MECHANICAL EQUIPMENT

To minimize the loss, damage, and disruption of utility services which can leave the structure uninhabitable following a storm or high flood waters. The following requirements for this protection are based on the following:

- a. Major utilities and mechanical equipment shall be protected from inundation by the base flood.
- b. Utility connections and underground services must be capable of withstanding forces imparted by a velocity flood condition, without damage or contamination of other resources.
- c. The structure should remain habitable following flooding, with necessary systems for habitation (water, sanitary sewer, and electric power) operating properly.
- d. The incoming power service should be firmly secured to the structure, but fastened in such a manner that if the wires are pulled from the structure, the building's protective exterior is not damaged, allowing rain to enter building. The entry cable will be connected through the utility company's meter system, above the Base Flood Elevation (BFE); all distribution panels or other major electrical equipment and all mechanical equipment (furnaces, hot water heaters, air conditioning, water softeners) shall also be located above the BFE.

## ARTICLE 5.07 - HEALTH REQUIREMENT

Development in Flood prone areas shall utilize potable water and sanitary sewage system designed to preclude infiltration of flood waters into the system, and discharges from the system into flood waters. Cameron County discourages the use of On Site Sewage disposal System (Septic Tanks) in Flood Prone areas unless the top of the sewage system is elevated (12") twelve inches above the BFE designated, including Septic Tanks, to avoid contamination during flooding, and or in past inundation has been noted, Cameron County Health Official or Cameron County Commissioner Court designee shall require the structure use an alternative treatment system to accommodate this Order and any other applicable regulations.

## ARTICLE 5.08 - INSPECTIONS

A designee of the County Engineer shall perform such inspection pursuant to this Order. Inspections shall conform to minimum requirements of Federal, State, and Local Codes. Inspections are conducted at various intervals, underground plumbing, foundation, nail pattern, frame (plumbing, electrical, mechanical), insulation, and final.

1. Plumbing Rough In inspection: underground plumbing shall be installed, with stub outs, shall have water and the exterior forms shall be erected to verify the finish floor elevation.
2. Foundation inspection: all trenches are excavated and forms are braced and reinforcement is in place.
3. Nail Pattern inspection: exterior sheathing installed, minimum 8D/10D or per engineer design.
4. Frame inspection: the roof structure shall be framed with roof covering, walls erected, rough in plumbing, electrical, and mechanical is complete.
5. Insulation inspection: as per ICC Energy Conservation Code.
6. Final Inspection: the structure is dried-in and utility services are ready to be connected, including the sanitary sewer, septic system, and water wells.

To assure the citizens of Cameron County the reduction of loss due to flooding, high winds, and hurricanes, this Order requires the structures to be in compliance with minimum requirements of the ICC Family of Codes and the National Electrical Code.

## ARTICLE 5.09 - MOBILEHOME & RECREATIONAL VEHICLE

### ANCHORAGE

All mobile home and recreational vehicle shall comply with the tie down requirements of the Texas Department of Housing and Community Affairs Chapter 10, the Texas Administrative Code Chapter 80, and the Texas Occupation Code, Section 1201.

## PART 6

### ARTICLE 6.00 - STANDARDS FOR SUBDIVISIONS PROPOSALS

All proposals for the development of Subdivisions, including Manufacture Home parks and Subdivisions, shall meet the Permit requirements of this Order and any other applicable regulations. Base Flood elevation data shall be generated for Subdivision proposals and other proposed development. All Subdivision proposals, including Manufacture Home parks and Subdivisions, shall have; a) adequate drainage to reduce the exposure to flood hazards; and b) have public utilities and facilities (such as

sanitary sewer, gas, electric, and water systems) located and constructed to minimize or eliminate Flood damage.