

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART D, "SUBDIVISION REGULATIONS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart D, "Subdivision Regulations," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.


PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

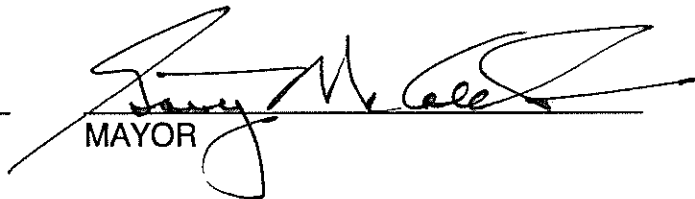
PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, shall become effective January 1, 1993, which date shall be more than ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene, Texas.

PASSED ON FIRST READING this 15 day of October A.D. 1992.

PASSED ON SECOND AND FINAL READING THIS 22 day of October, A.D. 1992.

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:

  
CITY ATTORNEY

66-7

00248

EXHIBIT "A"

DELETE: Section 23-264, Stormwater Management Requirements

ADD: New Section 23-264, Stormwater Management Requirements

Section 23-264 STORMWATER MANAGEMENT REQUIREMENTS

1. Purpose. It is the purpose of this Section 23-264 to promote the public health, safety, and welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
  - (A) Protect human life and health;
  - (B) Minimize 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 damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
  - (E) Help maintain a stable tax base by providing for the sound use and development of all areas in such a manner as to minimize future flood blight areas;
  - (F) Insure that potential buyers are notified that property is in a flood area;
  - (G) Secure review and approval of the method for handling and disposing of stormwater runoff in the City of Abilene and its extraterritorial jurisdiction, and securing review, analysis, and approval by the appropriate authority of the design, construction, and maintenance of drainageway facilities in conformance with the Abilene Stream Management Plan and Abilene Drainage Standards;
  - (H) Impose standards and conditions upon the excavating, grading, filling, berming, and diking of the land within the City of Abilene in conformance with the Abilene Stream Management Plan and Abilene Drainage Standards;

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- (I) Minimize the danger that materials may be swept onto other lands causing injury to others;
- (J) Insure the safety of access to property in time of flood for ordinary and emergency vehicles; and,
- (K) Minimize prolonged business interruptions.

2. Definitions. Unless specifically defined below, words or phrases used in Section 23-264 shall be interpreted to give them the meaning they have in common usage and to give the provisions of this Section their most reasonable application.

Abilene Drainage Standards. The criteria, standards and specifications for storm drainage, streets, and earth change adopted by the City of Abilene.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provisions of this ordinance or a request for a variance.

Area of Shallow Flooding. A designated AO Zone on a community's Flood Insurance Rate Map (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 flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. The land in a flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FIRM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, or A1-99.

Base Flood. The flood having a one percent chance of being equalled or exceeded in any given year.

City. The City of Abilene and all lands located within the extraterritorial jurisdiction.

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.

Detention. The temporary storage and controlled release of stormwater runoff.

Detention Facility. A facility that provides temporary storage of stormwater runoff and controlled release of this runoff.

Development. 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, drilling operations, or storage of equipment or materials.

Drainage Facilities. Includes all elements necessary to convey stormwater runoff from its initial contact with earth to its disposition in an existing drainageway, and said drainageway facilities shall consist of both public and private storm sewers (closed conduits), improved channel constructed in conformity with adopted Abilene Drainage Standards, unimproved drainageways left in their natural condition, areas covered by restricted drainageways, easements for the purpose of providing overland flow and all appurtenances to the foregoing, including inlets, manholes, junction boxes, headwalls, dissipators, culverts, etc.

Drainage Plan. A plan which consists of engineering drawings, contour maps, and all supporting engineering calculations, as applicable to the land area covered by the plan, which are required to demonstrate full compliance with the Stormwater Management Requirements and the Abilene Drainage Standards.

Earth Change. Excavating, grading, filling, berming, or diking of land.

Elevated Building. A nonbasement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, B, C, X, and D, to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, B, C, X, 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.

Existing Construction. For the purpose of determining rates, structures for which the "start 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."

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision. 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, or the construction of streets).

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the areas within the boundaries of special flood hazards have been designated as Zone A.

Flood Insurance Rate Map (FIRM). An official map of a community on which the Federal Emergency Management Agency has determined both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. Is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary Map.

Floodplain Administrator. The official designated by the City Manager to administer this ordinance, or an authorized representative.

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

Flood Protection System. 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 the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway Development Permit. A permit required prior to building construction or earth change of any property within a designated floodway.

Floodway (Regulatory Floodway). 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 one foot.

Habitable Floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

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

Historic Structure. 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 the Interior; or

- (D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
- (1) By an approved state program as determined by the Secretary of the Interior, or;
  - (2) Directly by the Secretary of the Interior in states without approved programs.

Impervious Surface. Any surface with a runoff coefficient based on the Rational Method of runoff calculation with a value equal to or greater than 0.85. Examples of impervious surfaces include roofs, pavement, and compacted base material.

Levee. 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.

Levee System. 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. At a minimum, they are to meet all Federal Emergency Management Agency Requirements.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). 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 building's 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.

Major Drainage System. The 100-year frequency flood shall be contained within the right-of-way or dedicated easement of all major drainage systems. These facilities include floodways, improved channels, detention reservoirs, and overland swales.

Manufactured Home. 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 attached to the required

utilities. The term "manufactured home" does not include a recreational vehicle. (For floodplain 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.)

Mean Sea Level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Natural. The cover and topography of land before any man-made changes, or in areas where there have already been man-made modifications, the state of the area and topography of land on April 30, 1983.

New Construction. For flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community.

New Manufactured Home Park or Manufactured Home Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale 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) is completed on or after April 30, 1983.

Recreational Vehicle. A vehicle which is:

- (A) built on a single chassis;
- (B) 400 square feet or less when measured at the largest horizontal projection;
- (C) designed to be self-propelled or permanently towable by a light duty truck; and
- (D) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood. The flood having a one percent chance of being equaled or exceeded in any given year based upon the existing conditions, adopted Floodwater Management



Policies, and the Stormwater Management Requirements of the Subdivision Regulations.

Sedimentation Facilities. Including but not limited to land terraces, hay bales, and vegetation ground covers used to reduce transport of suspended solids.

Start of Construction. (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation or addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage 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, footings, piers or foundations 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 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 dimensions of the building.

Structure. A walled and roofed building that is principally above ground, as well as a manufactured home.

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

Substantial Improvement. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations

of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance. A grant of relief to a person from the requirements of this Section 23-264 when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Section.

Violation. The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 23-264.6(E), 23-264.8(B), 23-264.10(C)(1), or 23-264.10(C)(9) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation. 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.

3. Methods for Reducing Flood Losses. In order to accomplish its purpose, this Section uses the following methods:
- (A) Limiting runoff from development to a level not to exceed that runoff that would exist under natural, undeveloped conditions unless provided for in a regional detention facility;
  - (B) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause increases in flood heights or velocities;
  - (C) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  - (D) Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

- (E) Control filling, grading, dredging and other development which may increase flood damage;
- (F) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

4. General Provisions.

- (A) Lands to Which This Section Applies. This Section 23-264 shall apply to all areas within the City of Abilene and its extraterritorial jurisdiction.
- (B) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a specific engineering report entitled "The Flood Insurance Study for the City of Abilene," dated August 23, 1979, with accompanying Flood Insurance Rate Maps and Flood Hazard Boundary-Floodway Maps and any revision thereto are hereby adopted by reference and declared to be a part of these Subdivision Regulations of the City of Abilene.
- (C) Drainage Standards. The Floodplain Administrator shall apply standards, where applicable, for drainageway facilities and stormwater detention facilities which shall become adopted "Abilene Drainage Standards" after the same are approved by resolution of the Abilene City Council. Said Abilene Drainage Standards shall be followed by every person, firm, corporation in the construction, installation, and maintenance of drainageway facilities and stormwater detention facilities. The Abilene Drainage Standards as adopted may be amended by City Council resolution. The adopted Abilene Drainage Standards shall regulate the design, installation, utilization and maintenance of all detention and drainage facilities and structures; the design, installation, utilization and maintenance of sedimentation and erosion control procedures, facilities and structures; and shall establish acceptable methods for controlling soil sedimentation and erosion.
- (D) Establishment of Floodway Development Permit. A Floodway Development Permit shall be required to ensure conformance with the provisions of this Section 23-264.

- (E) Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Section and other applicable regulations. The provisions of this Section shall apply to and be binding upon every person, firm, or corporation who seeks to develop, redevelop, grade, excavate, fill, berm, or dike land within the City of Abilene.
- (F) Abrogation and Greater Restrictions. The requirements of this Section are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (G) Interpretation. In the interpretation and application of this Section, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the purpose of this Section (23-264.1); and, (3) deemed neither to limit nor repeal any other powers granted under State statutes.
- (H) Warning and Disclaimer of Liability. The degree of flood protection required by this Section 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. These Subdivision 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 damages. The requirements of this Section shall not create liability on the part of the City of Abilene or any official or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.
- (I) Localized Flooding Areas. A map depicting the drainage areas which contribute to localized flooding problems shall become adopted as the "Localized Flooding Areas Map" after the same is approved by resolution of the Abilene City Council. The map as adopted may be amended by City Council resolution. The map will serve as the basis for application for the stormwater management criteria to individual developments.

5. Standards for Subdivision Proposals.

- (A) All subdivision proposals shall be consistent with all provisions of this Section 23-264.
- (B) All proposals for the development of subdivisions shall meet Floodway Development Permit requirements of Sections 23-264.7, in addition to the provisions of Section 23-264.8 and the Drainage Plan requirements of Sections 23-264.6.
- (C) Base flood elevation data shall be provided for all subdivision proposals and other proposed development, if applicable.
- (D) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (E) All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (F) Prior to final approval of any subdivision plats, the developer shall provide either:
  - (1) Actual construction of all approved drainage and detention facilities required by the City of Abilene; or
  - (2) Sufficient surety bond, cash, escrow, or an irrevocable letter of credit approved by the Floodplain Administrator and City Attorney guaranteeing the developer's pro-rata share of construction of all required drainageway and detention facilities in accordance with an approved Drainage Plan and duly adopted Abilene Drainage Standards; or,
  - (3) An alternative form of assurance proposed by the developer to guarantee the developer's pro-rata share of construction of all required drainageway and detention facilities in accordance with an approved Drainage Plan and the adopted Abilene Drainage Standards, said alternative form of assurance having been accepted by the Abilene City Council.

6. Drainage Plans.

- (A) Drainage Plans. A Drainage Plan, as defined and regulated by the provisions of this Section, shall be submitted to and approved by the Floodplain Administrator prior to final approval of any plat (including optional preliminary plats) of any subdivision of land. Property not located in areas of special flood hazard as defined herewithin, and where no improvements are required, at a minimum shall be required to submit a drainage flow diagram in lieu of a full drainage plan.
- (B) Prior to the Floodplain Administrator's approval of any Floodway Development Permit, and prior to the issuance of a building permit or a permit for the construction of a parking lot when a Drainage Plan has not been previously required under the terms of this Section, the Floodplain Administrator shall determine whether a Drainage Plan should be required and may require such plan in such instances where the same is necessary to meet the purposes of this Section. In general, development on a tract of less than one-half acre that has less than 45% impervious surface will not be required to submit a formal Drainage Plan; however, a drainage flow diagram will be required. Development on tracts between one-half and one acre may use the standard design detention facility prepared by the City in lieu of a formal Drainage Plan. Development which creates less than 5,000 square feet of impervious surface, will not be required to submit a formal Drainage Plan; however, a drainage flow diagram will be required. When a Drainage Plan is required prior to issuance of a building permit, the structure for which the building permit has been obtained shall not be used or occupied until the facilities as shown on the approved Drainage Plan have been completed by the permit applicant and accepted by the Floodplain Administrator.
- (C) Required Submissions and Technical Data. All Drainage Plans shall be formulated and implemented under the direct supervision of a registered professional engineer, licensed by the State of Texas; plans submitted for final approval shall bear the signature of the submitting engineer and the following certification:

"I hereby certify that I am familiar with the adopted ordinances and regulations of the City of

Abilene governing detention and drainage facilities; that these plans have been prepared under my direct engineering supervision; and that the above and foregoing Drainage Plan complies with all governing ordinances and the adopted drainage standards of the City of Abilene pertaining to detention and drainage facilities to the best of my knowledge, information and belief."

Upon completion of the proposed improvements, a registered professional engineer shall provide the following certification:

"I hereby certify that the project was constructed and completed in accordance with the approved Drainage Plans."

- (D) Plan Elements. A Drainage Plan shall consist of engineering drawings, contour maps, and all supporting engineering calculations, as applicable to the land area covered by the plan, which are required to demonstrate full compliance with the requirements of this Section and Abilene's adopted Drainage Standards.
- (E) Requirements in Areas of Special Flood Hazards. Drainage Plans for developments in areas of special flood hazard shall also contain the following:
- (1) Elevation in relation to mean sea level of the lowest habitable floor (including basement) of all proposed structures;
  - (2) Elevation in relation to mean sea level to which any residential and nonresidential structure shall be floodproofed;
  - (3) A certificate from a registered professional engineer or architect that to the best of their knowledge the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 23-264.8 and applicable building codes; and,
  - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- (F) Administration of Drainage Plans.
- (1) Processing of Drainage Plans. All Drainage Plans as required by this Section shall be submitted to and received by the Floodplain Administrator. A Drainage Plan may only be

submitted after a preliminary conference is held with the Floodplain Administrator. Within twenty (20) working days after receipt of a properly completed Drainage Plan, the Floodplain Administrator shall either approve or disapprove the submitted plan. Approval of a submitted Drainage Plan shall only constitute acceptance by the Floodplain Administrator of the certification of the submitting engineer and such acceptance shall not operate to remove any requirement of Abilene's adopted Drainage Standards which are not specifically considered in the approved plan. Drainage Plans which meet the requirements of this ordinance and which conform to all requirements of the adopted Abilene Drainage Standards shall be approved.

If the required findings cannot be made based upon the information contained in the submitted plan, such additional information as is required by the Floodplain Administrator to make such determination will be identified; in the event that the information deficiency is of a technical nature, the Floodplain Administrator may request an engineering conference with the submitting engineer.

Within twenty (20) working days after receipt of such additional information as may have been required or as may have been determined necessary during an engineering conference, a final decision shall be made by the Floodplain Administrator to either approve or disapprove the submitted plan.

If a submitted Drainage Plan is disapproved, the certifying engineer or applicant, as applicable, shall be advised in writing of the disapproval.

- (2) Administrative Appeals of Drainage Plan Requirements. Appeals from a decision of the Floodplain Administrator to disapprove a Drainage Plan shall be in accordance with Section 23-264.11(A) of this ordinance.

7. Floodway Development Permits.

- (A) Floodway Development Permit Requirements. A Floodway Development Permit, as defined and regulated by this Section, shall be required prior



to the commencement of any building construction, or earth change, of any property within a designated floodway. Floodway Development Permits shall not be required for activities listed in Section 23-264.7(B). A separate permit shall be required for each separate, noncontiguous site or lot, and no permit shall be transferrable without the prior written consent of the Floodplain Administrator.

(B) Floodway Development Permit Exemptions. A Floodway Development Permit shall not be required for the following activities:

- (1) Bona fide agricultural and farming operations which constitute the principal use of any lot or tract of ground in the City of Abilene and which meets the requirements of the Zoning Ordinance of the City of Abilene.
- (2) Customary and incidental routine grounds maintenance, landscaping, and home gardening which does not require a permit, a zoning variance, or a building permit, and which does not affect stormwater drainage through the site.
- (3) Emergency repairs of a temporary nature made on public or private property which are necessary for the preservation of life, health, or property, and which are made under such circumstances where it would be impossible or impracticable to obtain a Floodway Development Permit.
- (4) Excavation for the purpose of constructing, installing, maintaining, or repairing any public street, public utility facility, or any service lines related thereto.

(C) Floodway Development Permit Application. A written application for a Floodway Development Permit shall be filed with the Floodplain Administrator. Applications shall be in such form and content as the Floodplain Administrator shall establish, and shall be accompanied by the payment of a permit fee, the amount of which shall be determined by fee resolution by the City Council and placed on file in the office of the City Secretary.

(D) Contents of Permit Application. Each Floodway Development Permit application shall include all the information specified within paragraphs (1) through (6) below. Provided, however, that if the Floodplain Administrator is unable to determine

from the application submitted that it meets the policies and standards governing the issuance of the requested permit, the Floodplain Administrator shall request the applicant in writing to furnish such additional information as may be essential to such determination. This Section governing the contents of development permit applications shall not require the resubmission of any documents, drawings, or other information which was previously submitted by the applicant in conjunction with the processing of a Drainage Plan approved since April 30, 1983, by the Floodplain Administrator for the same site and type of development.

- (1) The name and address of the legal owner of the property for which the permit is requested.
  - (2) A vicinity sketch and boundary line survey of the site for which a permit is requested, including a legal description of such property.
  - (3) Site drawings indicating each separate land area to be excavated, filled, graded, or leveled, the finished depth of each separate land cut or fill, the present and future (as completed) points of entry and discharge for surface water on the subject property and identification of all temporary or permanent structures or other devices to be erected or established for the purpose of controlling or regulating surface water and erosion on such property.
  - (4) The applicant's plans for controlling erosion and sedimentation for the purpose of preventing the deposit of sediment from the lot or tract under application upon any other public or private property or watercourse during all phases of project construction.
  - (5) The applicant's plans for receipt of surface water on his property and discharge of surface water from his property during periods of construction, and a statement specifying the anticipated time period for the completion of all drainage and related improvements.
  - (6) For developments in areas of special flood hazard, the requirements of Section 23-264.8 must be addressed within the Floodway Development Permit application.
- (E) Processing Permits. Within ten (10) working days after receipt of a properly completed Floodway Development Permit application, the Floodplain Administrator shall either approve or disapprove

the permit application. Floodway Development Permit applications which are consistent with the policies and which meet the standards established by this Section shall be approved.

If the required findings cannot be made based upon the information contained in the submitted permit application, the general nature of such additional information as is required by the Floodplain Administrator to make such determination will be identified. In the event that the information deficiency is of a technical nature, the Floodplain Administrator may additionally request an engineering conference with the submitting engineer.

Within twenty (20) working days after receipt of such additional information as may have been required by the Floodplain Administrator or as may have been determined to be necessary during an engineering conference, a final decision shall be made by the Floodplain Administrator to either approve or disapprove the permit application.

If a Development Permit is disapproved, the certifying engineer or applicant shall be advised in writing of the disapproval.

(F) Administrative Appeals of Floodway Development Permit Denial. Appeals from a decision of the Floodplain Administrator to disapprove a Floodway Development Permit application shall be in accordance with Section 23-264.11(A) of this ordinance.

(G) Conditions for Approval. Floodway Development Permits shall meet the following conditions:

- (1) No earth change shall be permitted which creates a public hazard upon any property within the City of Abilene through the obstruction, impairment, sedimentation, blockage or alteration of any storm sewer drain or any existing surface watercourse.
- (2) No earth change shall be permitted which will channelize, obstruct, or impede any watercourse in a manner which is inconsistent with accepted engineering practices and/or the adopted Drainage Standards of the City of Abilene.
- (3) All earth changes shall be designed, constructed, and completed in a manner which

minimizes the exposure of bare earth to precipitation.

- (4) No earth change shall be permitted which will increase surface runoff to a level, amount or a rate greater than that existing under natural conditions, except the area bounded on the west by Hayter Road and I-20, on the south by the railroad tracks, and on the east by the eastern boundary line of the Buck Creek watershed. If the Floodplain Administrator determines that such an earth change will cause or increase pre-existing drainage problems within the area defined above, he may require mitigative measures as part of such earth change. Also excepted is runoff which has been provided for through use of an approved regional detention facility.
- (5) Construction activity on residential tracts or commercial and industrial tracts shall be conducted only if appropriate sedimentation facilities are installed and maintained throughout the construction period in accordance with the adopted Abilene Drainage Standards.
- (6) As may be applicable to any lot, parcel, or tract of land for which an approved Floodway Drainage Plan exists, the requirements and conditions of the Drainage Plan shall be incorporated as a condition upon the issuance of any Development Permit.
- (7) In the regulatory floodway, Floodway Development Permits may not be issued until the standards of this Section have been satisfied and until evidence has been presented demonstrating that the proposed encroachment:
  - (a) Will not result in any increase in floodway levels within the community during the occurrence of the base flood discharge; and
  - (b) Is consistent with the Abilene Stream Management Plan and Abilene Drainage Standards; and
  - (c) Meets the standards of this Section including, specifically, Section 23-264.8 concerning special provisions for flood hazard reduction in areas of special flood hazard.
- (8) Prior to granting any Floodway Development Permit, the Floodplain Administrator shall attach such additional conditions thereto as he may deem reasonable and necessary to

prevent hazard to public or private property resulting from the blockage, obstruction, alteration, or impairment of any storm sewer drain or surface watercourse and to prevent the work thereby authorized from being conducted in a manner hazardous to lives or property, or otherwise likely to create a public nuisance.

(9) Requirements established and approved by the Floodplain Administrator shall become conditions upon the issuance of the Floodway Development Permit; no changes in approved plans, design standards, or conditions shall be made without prior written approval of the Floodplain Administrator.

(H) Map Amendment. Where an approved Floodway Development Permit has been issued and the proposed improvements will result in changes in the floodway boundary, the Floodplain Administrator shall immediately take the appropriate steps necessary to secure a map amendment.

8. Special Provisions for Flood Hazard Reduction in Areas of Special Flood Hazard.

(A) General Standards. In all areas of special flood hazards, the following general provisions shall prevail:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements 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;

- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and,
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (8) All applicable building codes of the City of Abilene.

(B) Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 23-264.4(B), 23-264.5(C), or 23-264.10(C)(7)., the following provisions are required.

- (1) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to one foot above the base flood elevation or 18" above the gutter whichever is most restrictive. For a hillside lot in an area of special flood hazard, the 18" above gutter requirement may be waived by an approved drainage plan prepared by a registered professional engineer that demonstrates that the residence is safe from flooding. A registered professional engineer or land surveyor shall submit a certification in the specified format to the Floodplain Administrator that the standard of this subsection is satisfied. Such certification shall include both the elevation relative to base flood and the elevation relative to the gutter or that the construction conforms to the approved drainage plan.
- (2) Nonresidential Construction. New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having

the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

- (3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum 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 shall be provided.
- (b) The bottom of all openings shall be no higher than one foot above grade.
- (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- (4) Manufactured Homes.

- (a) Require that manufactured homes or manufactured homes used commercially that are placed or substantially improved within Zones A1-30, AH, AE, and AO on the community's FIRM on sites (a) outside of manufactured home parks or subdivisions, (b) in a new manufactured home park or subdivision, (c) in an expansion to an existing manufactured home park or subdivision, or (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and

- be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (b) Require that manufactured homes or manufactured homes used commercially to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zone A, A1-A30, AH and AE, and on the community's FIRM that are not subject to the provision of Section 23-264.8.B(4)(a) of this section be elevated so that either (1) the lowest floor of the manufactured home is one foot 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.
- (c) Require that manufactured homes or manufactured homes used commercially to be placed on substantially improved sites in an existing manufactured home park or subdivision within Zone AO on the community's FIRM that are not subject to the provisions of Section 23-264.8.B(4)(a) of this section be elevated so that either (1) the lowest floor of the manufactured home is at the zone depth number, or (2) the manufactured home chassis supported by reinforced piers or other foundation elements or at least equivalent structures that are not 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.
- (d) All manufactured homes shall be in compliance with Section 23-264.8.B(4)(a)(b)(c) or 18 inches above gutter, whichever is more restrictive.
- (e) Require that all manufactured home parks or subdivisions located within flood prone areas as defined on the community's FIRM develop a plan for evacuating residents of said parks or subdivisions be filed with the City's Emergency



Management authorities within 90 days of the passing of this ordinance.

- (f) Require that recreational vehicles placed on sites with Zones A1-30, AH, AE and AO on the community's FIRM either (1) be on the site for fewer than 180 consecutive days or (2) be fully licensed and ready for highway use, or (3) meet the permit requirements of paragraphs 23-264.8.B(4)(a), 23-264.8.B(4)(b), or 23-264.8.B(4)(c).

A recreational vehicle shall be considered ready for highway use if it is on its own wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (g) Require that manufactured homes or manufactured homes used commercially placed or substantially improved on sites in an existing manufactured home park or subdivision or outside of a manufactured home park or subdivision which lies within the floodway as designated on the community's floodway map must meet the requirement of Section 23-264.8.B(5).
- (h) Require owners of mobile homes located in areas of special flood hazard to sign before a Notary Public a form prepared by the City that acknowledges that the mobile home is located in a flood hazard area, that the mobile home is subject to damage during a flood and that federal flood insurance is available.

- (5) Floodways. Located within areas of special flood hazard established in Section 23-264.4(B) are areas designated as floodways. Since the area chosen for the regulatory floodway must be designated to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point; and since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (a) Encroachments, including fill, new construction, substantial improvements, earth changes and other developments will

not be permitted except when an approved Floodway Development Permit has been secured demonstrating that the proposed encroachment:

- will not result in any increase in flood levels within the community during the occurrence of the base flood discharge; and,
- is consistent with the Abilene Stream Management Plan and Abilene Drainage Standards; and
- meets the standards of this ordinance and specifically Section 23-264.7, Development Permits, and Section 23-264.8, Special Provisions for Flood Hazard Reduction in Areas of Special Flood Hazard.

(b) The following are exempt from the requirements in above Sections 23-264.8(B)(5)(a).

- bona fide agricultural and farming operations which constitute the principal use of any lot or tract of ground in the City of Abilene and which meet the requirements of the Zoning Code of the City of Abilene.
- customary and incidental routine ground maintenance, landscaping and home gardening which does not require a zoning permit, a zoning variance or a building permit, and which does not affect stormwater drainage through the site.
- certain parks and recreational uses which do not affect stormwater drainage through the site.
- emergency repairs of a temporary nature made on public or private property which are necessary for the preservation of life, health, or property and which are under such circumstances where it would be impossible or impracticable to obtain a Development Permit.
- excavation for the purpose of constructing, installing, maintaining or repairing any public street, public utility facility or any service lines related thereto.
- improvements consistent with the Abilene Stream Management Plan and Abilene Drainage Standards.

- (6) Standards for Areas of Shallow Flooding (AO Zones). Located within the areas of special flood hazard established in Section 23-264.4(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 indeterminate; 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 the community's FIRM (at least two feet if no depth number is specified).
  - (b) All new construction and substantial improvements of nonresidential structures:
    - Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
    - Together with attendant utility and sanitary facilities be designated 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 on buoyancy.
  - (c) A registered professional engineer or surveyor shall submit a certification to the Floodplain Administrator that the standards of (a) and (b)(i) of this Subsection are satisfied.
  - (d) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of (b)(ii) of this Subsection are satisfied.
  - (e) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

9. Detention and Drainage Facilities

- (A) Requirements and Standards. On-site stormwater detention shall be required for all new developments to offset increased runoff resulting from new developments except for those developments for which approved regional detention facilities have been established or for which alternate plans have been approved by the Floodplain Administrator. Design standards for all stormwater detention and drainage facilities shall be established by adopted Abilene Drainage Standards.
- (B) Title Ownership and Maintenance. Detention and Drainage facilities herein provided for shall be dedicated to the public and maintained by the public unless such facilities are an integral, usable part of the development, in which case the ownership and maintenance of said facilities may remain with the private sector. These systems, when retained by the owner shall be maintained by the current and subsequent owners in a manner that will allow them to function as designed. The owner must execute a written maintenance agreement with the City before this option is used and such agreement shall be filed for record at the County Courthouse. These agreements shall be as encumbrances upon the land.
- (1) Major drainage systems not retained by the owner shall be conveyed by title or easement to the City of Abilene as required by the Floodplain Administrator and City Attorney.
  - (2) The dedication of a detention facility shall provide that, in the event that the City Council determines that the detention facility is unneeded or unnecessary as a result of drainageway improvements, the same may revert to the party making such dedication, or the abutting owners, or their respective heirs, successors, or assigns.
  - (3) All drainage structures and facilities located within a dedicated drainageway shall be owned and maintained by the City of Abilene.
- (C) Private Drainage Facilities. Roof drains, building drains, and parking lot drainageways may be located outside dedicated drainageways.

10. General Administration.

- (A) General. All provisions of this ordinance shall be subject to the provisions of this Section.
- (B) Designation of Floodplain Administrator. The City Manager shall appoint a Floodplain Administrator to administer and coordinate the provisions of this ordinance, and to implement its provisions.
- (C) Duties and Responsibilities of the Administrator. Duties of the administrator shall include but not be limited to:
- (1) The Floodplain Administrator shall maintain all files and records pertaining to this ordinance, including all actions involving an appeal to the Zoning Board of Adjustment, and shall hold open for public inspection all records pertaining to the provisions of this ordinance. All actions involving an appeal and all variances from the flood hazard regulations shall be reported to the Federal Emergency Management Agency upon request.
  - (2) After submission on the appropriate forms, the Floodplain Administrator shall review and approve or deny all applications for Floodway Development Permits or Drainage Plans required by this ordinance.
  - (3) After submission on the appropriate forms, the Floodplain Administrator shall review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required. Applicants shall submit a written certification to the effect that all known Federal, State and local permits have been obtained.
  - (4) When interpretation is needed as to 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) the Floodplain Administrator shall make the necessary interpretation.
  - (5) The Floodplain Administrator shall notify adjacent communities and the Texas Department of Water Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

- (6) The Floodplain Administrator shall ensure through maintenance agreements and available funding that maintenance is provided in accordance with the Stream Management Plan within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (7) When base flood elevation data has not been provided in accordance with this Section, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, in order to enforce the provisions of this ordinance.
- (8) The Floodplain Administrator shall be responsible for notifying the Director of Planning and Building Official of all approvals or denials of Development Permits and Drainage Plans. Where Drainage Plans are being considered in association with a subdivision proposal, the Floodplain Administrator shall advise the Planning and Zoning Commission of the status of such plans prior to consideration of plat documents, including optional preliminary plats.
- (9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A, A1-30 and AE on the community's FIRM, unless 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 the community.

D. Amendments to Stream Management Plan. The City Council of the City of Abilene may approve amendments and deviations from the Stream Management Plan after conducting a public hearing. Property owners directly effected by the proposed appeal, deviation, or amendments shall be given notice of the meeting in writing prior to the public hearing.

11. Appeals Process

(A) Flood Hazard Technical Review Committee Procedure.

- (1) Appeals of decisions of the Floodplain Administrator that are technical in nature shall be considered by the Flood Hazard Technical Review Committee. Such items shall include: determination that a Drainage Plan or Floodway Development Permit is required for a given development; determination that a Drainage Plan or Floodway Development Permit application does not contain sufficient or adequate data or contains invalid data or assumptions; appeal of a disapproval of a Drainage Plan or Floodway Development Permit; a decision relative to the exact location of the boundaries of the areas of special flood hazard; a decision on base flood elevation; and variances from the requirements of the Abilene Drainage Standards.
- (2) The Flood Hazard Technical Review Committee shall consist of three (3) regular members and two (2) alternates. The membership of the Committee shall be appointed by the City Council. Each member and alternate shall be a registered professional engineer.
- (3) The Flood Hazard Technical Review Committee shall meet on a called basis. A quorum shall consist of three (3) members, or two (2) members and an alternate.
- (4) Appeals to the Flood Hazard Technical Review Committee shall be filed, in writing, with the Floodplain Administrator of the City of Abilene within ten (10) days from the date of the action complained of. The Flood Hazard Technical Review Committee shall hear the appeal not later than fifteen (15) days from the date of filing the required notice of appeal. At the time of the hearing, the appellant may furnish any additional information.
- (5) The appeal shall be accompanied by the payment of an appeal application fee. The amount of the fee shall be set by fee resolution by the City Council and placed on file in the office of the City Secretary.
- (6) An appeal to the Flood Hazard Technical Review Committee shall stay the enforcement of any ruling, decision, or requirement of the Floodplain

Administrator, unless the Floodplain Administrator certifies to the City Council that by reason of the facts stated in the certificate of the engineer, a stay would in his opinion cause an immediate public hazard or impair life or property; in such case, enforcement shall not be stayed other than by a restraining order issued by a court of competent jurisdiction upon due and sufficient cause shown.

(B) Zoning Ordinance Variance Procedures.

- (1) In the same manner and under the same circumstances as generally provided by the Zoning Ordinance of the City, except as otherwise specified in this Section, the Zoning Board of Adjustment shall:
  - (a) Hear and decide requests for variances from the requirements of this Section concerning special flood hazard area regulations;
  - (b) Hear and determine an appeal when it is alleged there is an error in any requirement, decision, or determination made by any City of Abilene administrative official in the enforcement of Section 23-264.8 relating to the flood hazard area regulations.
- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (3) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (4) Generally, 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 lots with existing structures constructed below the base flood level, providing the relevant factors in Section 23-264.8 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.



- (5) Upon consideration of the factors noted above and the intent of this Section 23-264, the Board of Adjustment may attach such conditions as it deems necessary to further the purpose and objectives of this Section.
- (6) Prerequisites for granting variances:
- (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (b) Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.
  - (c) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation no more than two (2) feet below 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.

12. Enforcement and Penalties.

- (A) Stop Work Orders. If at any time an earth change is performed which is not in accordance with this Section or a Floodway Development Permit, including conditions and approved modifications thereof, a written notice to stop work shall be given by the Floodplain Administrator stating the nature and location of the alleged noncompliance, and specifying what remedial steps are necessary to bring the project into compliance. The responsible parties shall have such time as may be allowed in writing by the Floodplain Administrator to correct all noted deficiencies; the time allowed shall be reasonable, and shall be determined by the nature of the deficiency and whether or not it creates a nuisance or hazard.

(B) Revocation or Suspension of Floodway Development Permit. A Floodway Development Permit may be revoked or suspended by the Floodplain Administrator. A Floodway Development Permit may be revoked or suspended upon the occurrence of any one of the following events:

- (1) Violation of any conditions of the permit, or
- (2) Violation of any provision of this ordinance or any other applicable law, ordinance, rule, or regulation pertaining to the Floodway Development Permit; or
- (3) Existence of any condition or the doing of any act constituting or creating a nuisance, hazard, or endangering human life or property of others.

(C) Upon the revocation or suspension of a Floodway Development Permit, the Floodplain Administrator shall issue a stop work order on all construction activity on the permit holder's property which may be directly or indirectly related to site drainage and which is being performed pursuant to any permits, licenses, franchises or contracts issued or approved by the City of Abilene; such order may order a work stoppage on all construction activity on buildings or structures and all appurtenances thereto, including buildings, electrical, plumbing, mechanical and street work, storm sewers, sanitary sewers, gas lines, and all utilities including gas, electric, telephone and cable TV. Notices and orders required by this Section shall be served upon the parties concerned either personally or by certified mail, addressed to the individual contracting party(ies) or permit holder at the address given on the contract document or permit application filed with the City.

(D) The revocation or suspension of a Floodway Development Permit may be appealed to the City Council, if notice of appeal is properly filed with the City Secretary within ten (10) days of the revocation or suspension.