

Proposed Amendments to Section 1.2.7.C Floodplain Administrator, Section 1.4 Expiration of Applications, Section 2.10 Flood Plain Development Permit, Section 4.6 Stormwater and Drainage Standards, and Section 4.3.2 Drainage Easement (DE)

1.2.7.C Floodplain Administrator

The Floodplain Administrator or his/her designee shall administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance-National Flood Insurance Program Regulations) pertaining to floodplain management. Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- Review permit application to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
- Review, approve or deny all applications for floodplain development permits.
- Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- Where interpretation is needed as to 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) the floodplain administrator shall make the necessary interpretation.
- Notify, in riverine situations, adjacent communities and the state coordinating agency which is the Texas Water Development Board (TWDB) and ~~also~~ the Texas Commission of Environmental Quality (TCEQ) prior to any alteration or relocation of a watercourse; and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- When base flood elevation data has not been provided in accordance with Division II, the floodplain administrator shall require the owner of the property, or their representative, to perform the necessary hydraulic studies to determine the one (1) percent annual chance (100-year) floodplain, base flood elevation and floodway to obtain a letter of map revision from FEMA.
- The floodplain administrator may obtain, review, and reasonably utilize any base flood, elevation data, hydrology, and floodway data available from a federal, state, or other source, ~~in order~~ to administer the provisions of [Chapter 54, Article II \(Flood Damage Prevention\) of the City of Seguin Code of Ordinances](#).
- When 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 A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the

proposed development, when combined elevation of the base flood more than ~~one~~ 0.04 foot at any time within the community.

- Under the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program regulations, a community may approve certain developments in zones A1-30, AE, AH, on the community's FIRM which increased the water surface elevation of the base flood by more than ~~one~~ 0.04 foot, provided that the community first completes all of the provisions required by Section 65.12.
- When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with FEMA floodproofing guidelines.
- Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progress, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has the right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed at the person doing or in charge of the work.
- Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- Review, provide input, and make recommendations for variance requests.
- Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted.

1.4 Expiration of Applications

Development Application	Permit Expiration	Extension of Permit*
Amending Plat	2 years, unless recorded or fiscal surety is posted for subdivision improvements	Property owner may apply for one extension of one year
Building Permit	180 days	Permit holder may apply for one extension of 180 days
Certificate of Occupancy	As long as the use remains the same	As long as the use remains the same
Certificate of Appropriateness	180 days	Property owner may apply for one extension of 180 days
Development Studies	2 years unless alternative expiration is specified by City Engineer	Property owner may apply for one extension of one year
Final Subdivision Plat	2 years, unless recorded or fiscal surety is posted for subdivision improvements	Property owner may apply for one extension of one year
Flood Zone Map Change	1 year	Permit holder may apply for one extension of one year
Floodplain Development Permit	180 days	Permit holder may apply for one extension of 180 days
Limited Use Permit	1 year unless alternative expiration is specified by the Planning Director	Permit holder may apply for one extension of a 1-year period
Minor Plat	2 years unless alternative expiration is specified by the Planning Director	Property owner may apply for one extension of one year
Replat	2 years unless alternative expiration is specified by the Planning Director	Property owner may apply for one extension of one year
Plat Variances	As long as the plat is valid	n/a
Preliminary Plat	2 years unless alternative expiration is specified by the Planning Director	Property owner may apply for one extension of one year
Public Infrastructure Permits	2 years, unless fiscal surety has been posted for subdivision improvements	Permit holder may request an extension of one year
Sign Permit	180 days	Permit holder may apply for one extension of 180 days
Site Plan	One year	Property owner may apply for one extension of one year
Specific Use Permit	1 year unless alternative expiration is specified by the Planning & Zoning Commission	Permit holder may request an extension of one year unless alternative expiration is specified
Subdivision Concept Plan	3 years unless alternative expiration is specified by Planning Director and City Engineer	Property owner may apply for one extension of two years
Tree Removal Permit	1 year unless alternative expiration is specified by the Planning Director	Permit holder may apply for one extension of one year
Alternative Landscape Plan	As long as the site plan remains valid	If the site plan has expired the applicant must resubmit the site plan

2.10 Flood Plain Floodplain Development Permit

2.10.3 Applicability

A floodplain development permit applies to all areas of special flood hazard within the jurisdiction of the City of Seguin, Texas. No structure or land shall be located, altered, or have its use changed without approval of a ~~flood plain~~ floodplain development permit.

2.10.4 Criteria for Approval and Process

~~Floodplain development permit standards are detailed in Chapter 4.~~ Application for a floodplain development permit shall be presented to the Floodplain Administrator. Application materials should include but not be limited to, plans ~~in duplicate drawn~~ to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. For all proposed ~~subdivision~~ developments within, abutting, or adjacent to a floodplain, a Flood Study is required per the Stormwater Criteria Manual and shall be approved by the City Engineer prior to approval of the floodplain development permit. Additionally, the following information is required:

- A. A Pre-Construction elevation certificate, as prepared and sealed by a LPLS, architect, or engineer, with the necessary base flood elevations, hydrological and hydraulic data as needed must be submitted to establish the BFE during the permit application process, prior to concrete foundation being installed;
- B. When the structure is completed (completed and ready for habitation for residential structures) A finished construction elevation certificate, as prepared and sealed by a LPLS, architect, or engineer, with the necessary base flood elevations and building elevation information completed;
- ~~C. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;~~
- D. Dry Floodproofing Certificate for Non-Residential Structures produced by a Professional Engineer or Surveyor that the nonresidential floodproofed structure shall meet the floodproofing criteria; ~~Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;~~
- ~~E. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria included in Chapter 4.~~
- F. No-Rise Certification for any development in the floodway.
- G. Enclosed areas below the base flood elevation must be equipped with flood openings or vents capable of equalizing water levels and hydrostatic loads. Covers for these openings must not interfere with the equalization of water levels in the event of a flood and should minimize potential blockage by debris. Key requirements include a minimum of two openings on different walls, positioned no more than 12 inches above the final grade, providing 1 sq. inch of net open area per 1 sq. foot of enclosed space;
- H. Manufactured Home Anchoring Design;

- I. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a proposed development.
- J. Detailed drawings for the proposed development. Drawings must clearly indicate that all provisions of these regulations will be met. On developments other than residential accessory buildings less than 150 square feet or other insignificant developments (carports, well houses, gazebos, etc.) drawings must be sealed by a licensed professional engineer or registered architect certifying that all provisions of these regulations will be met if the development is completed in accordance with the sealed drawings.
- ~~K. Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of chapter 7 and the following relevant factors:-
 - 1.—The danger to life and property due to flooding or erosion damage;
 - 2.—The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 3.—The danger that materials may be swept onto other lands to the injury of others;
 - 4.—The compatibility of the proposed use with existing and anticipated development;
 - 5.—The safety of access to the property in times of flood for ordinary and emergency vehicles; Chapter 2—Development Applications/ Development Review Process City of Seguin Unified Development Code;
 - 6.—The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - 7.—The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - 8.—The necessity to the facility of a waterfront location, where applicable;
 - 9.—The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - 10.—The relationship of the proposed use to the comprehensive plan for the area~~
- K. Application fee as set forth in the Fee Schedule as adopted in Exhibit C of the Seguin Code of Ordinances.

4.3 Easements

4.3.2 Drainage Easement (DE)

Where conditions require, there shall be provided an adequate stormwater drainage easement, as required by the Stormwater Criteria Manual. In areas where there is an approved and/or mapped floodplain, the subdivider or developer shall designate a drainage easement(s) for the **floodplain floodway**. Where such easement is adjacent to lots, tracts, or reserves, the easement shall be noted on the final plat as follows: "The easement indicated shall be kept clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility, and abutting property shall not be permitted to drain into this easement except by approved means." For one- and two-family

residential subdivisions, drainage easements crossing lots and property lines are prohibited. Drainage easement shall be placed on separate common area lots, as stipulated in the Stormwater Criteria Manual.

Section 4.6 Stormwater and Drainage Standards

4.6.1 General Requirements

All proposed developments shall provide for new drainage facilities, the improvement of existing drainage facilities, channel improvements, grading, driveway adjustments, culvert improvements or other drainage improvements determined by the City Engineer to provide for the stormwater drainage needs of the development and the downstream areas, designed and constructed in accordance with the requirements specified in the Stormwater Criteria Manual. The developer shall provide all necessary information and calculations to the City Engineer to demonstrate that the proposed development does not exceed the capacities of the stormwater management systems as a result of the development. If any appreciable adverse impacts still exist ~~at a distance of 2,000 feet~~ ~~at the zone of influence~~ downstream of the proposed development, the City Engineer may require the construction of additional drainage facilities until any remaining adverse impacts are deemed de minimis (at no cost to the City). It is the responsibility of the developer to provide for conveyance of off-site storm water. The developer's design package submitted to the City shall include a description of all potential off-site impacts caused by the development and the proposed mitigation procedures for the impacts, including but not limited to:

- Alteration of existing upstream drainage areas and/or conveyance systems due to the proposed development.
- The detention facility discharge shall be located to provide the least impact on downstream conditions, including requirements for the discharge to be routed to street curbs, bar ditches, storm sewer or other drainage way.
- The impact of flow concentration from the detention facility discharge point on existing drainage areas and/or conveyance systems.
- Extension of existing conveyance systems through the development.
- The altering of existing on-site conveyance systems.

In order to mitigate the impact of the proposed development, the phasing of development, the use of off-site control methods or the construction of off-site drainage improvements may be necessary. Calculations to verify downstream adequacy shall be performed ~~to the nearest receiving waterway(s)~~ according to the Stormwater Criteria Manual. Should projected stormwater runoff from the proposed development exceed the capacity of the existing drainage facilities and/or natural channels, the developer shall be responsible for improving the existing facilities at its own cost.

4.6.5 Floodplain.

When a proposed subdivision or development has within it a drainageway where no regulatory floodway has been designated and is located within a FEMA mapped floodplain, no new construction, substantial improvement or other development, including fill, shall be permitted in an area that may have flood hazards, unless it is demonstrated that the cumulative effect of the proposed development or improvements, when combined with all other existing and anticipated development and improvements will not substantially increase the water surface elevation. In areas where there is an approved and/or mapped **floodway floodplain**, the subdivider or developer shall designate a drainage easement(s) for the floodway. In areas where a floodway is mapped and approved by the city, a flood study or demonstration of “no flood height increase” shall be required. If a proposed subdivision is within an area where flooding may occur, where there is no floodplain shown on a city-approved floodplain map, or where there is located an approved floodplain but not floodway, the subdivider shall:

- Conduct a study of where the base flood elevation would be, assuming a fully developed watershed, show a drainage easement on the plat, and show the elevation of the floodplain at intervals of every 500 lineal feet, designate the area equivalent to the floodway to be a drainage easement; or
- Conduct a study, using HEC or similar modeling that is approved by the city engineer, to ensure that the proposed development would not increase the elevation of the one percent annual chance base flood and the area equivalent to the floodway will be designated as a drainage easement; or
- Request a variance from the above requirements, ~~The request for the variance shall be assessed with respect to proposed density, land use, lot sizes, building sizes, anticipated impervious cover, and the width and depth of the existing floodplain.~~ all wavier requests shall be considered and decided by ~~the Planning Commission.~~ **the appeal board as established by the City.**