GILLESPIE COUNTY
FLOOD DAMAGE PREVENTION ORDINANCE

EFFECTIVE: JULY 28, 2025

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ARTICLE 1 ADMINISTRATIVE PROVISIONS

Section 1.1 STATUTORY AUTHORIZATION

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, Gillespie County, Texas, does ordain as follows:

Section 1.2 FINDINGS OF FACT

1. The flood hazard areas of Gillespie County, Texas are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Section 1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Ensure that potential buyers are notified that property is in a flood area.

Section 1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development, which may increase flood damage;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 1.5 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. Accessory Structure - a structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.
2. Agricultural Structure - a walled and roofed structure used exclusively for agricultural purposes or uses in connection with production, harvesting, storage, raising or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.
3. Alluvial Fan Flooding - 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.
4. Apex - 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.
5. Appurtenant Structure –a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure
6. Area Of Future Conditions Flood Hazard –the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.
7. Area Of Shallow Flooding - a designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 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.
8. Area Of Special Flood Hazard - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, or AR/A on the community's Flood Insurance Rate Map (FIRM), or a designated area on a map and/or engineering study deemed as best available information by the Floodplain Administrator.
9. Base Flood - the flood having a 1 percent chance of being equaled or exceeded in any given year.
10. Base Flood Elevation (BFE) – the water surface elevation resulting from the Base Flood. The BFE is typically the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, or AR, or the elevation deemed as best available information by the Floodplain Administrator.
11. Basement - any area of the building having its floor subgrade (below ground level) on all sides.
12. Breakaway Wall – 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.

13. Chief Executive Officer of the community (CEO) - the official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.
14. Closed Basin Lake - a lake with no outlet or a lake with inadequate regulated or elevated outlets.
15. Community - any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native village or authorized native organization which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.
16. Criteria - the comprehensive criteria for land management and use for flood-prone areas developed under 42 U.S.C. 4102 for the purposes set forth in this ordinance.
17. Critical Feature - an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
18. Development – any temporary or permanent man-made change to 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.
19. Elevated Building – for insurance purposes, means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
20. Enclosure - a walled in area below the lowest floor of an elevated building. Enclosures below the Base Flood Elevation (BFE) shall only be used for building access, vehicle parking, and storage.
21. Engineer - a person licensed and authorized to practice engineering in the State of Texas
22. Exceptional Hardship - for the purposes of variance from this ordinance, the exceptional difficulty that would result from a failure to grant the requested variance. The hardship must be exceptional, unusual and specific to the property involved, not to the personal circumstances of the permit applicant.
23. Existing Construction - for the purposes of determining rates, means structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, whichever is later. "Existing construction" may also be referred to as "existing structures."
24. 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, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
25. 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, the construction of streets, and either final site grading or the pouring of concrete pads).
26. Flood Or Flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of inland or tidal waters or (b) the unusual and rapid accumulation or runoff of surface waters from any source.
27. Flood Damage Resistant Material - any building product [material, component or system] capable of withstanding direct and prolonged contact with flood waters without sustaining significant damage. “Prolonged contact” means at least 72 hours and “significant damage” means any

damage requiring more than cosmetic repair (including cleaning, sanitizing and resurfacing – sanding, repair of joints or repainting – of the material).

28. Flood Elevation Study –an examination, evaluation, and determination of (a) flood hazards and, if appropriate, corresponding water surface elevations, or (b) mudslide (i.e., mudflow) and/or flood-related erosion hazards.
29. Flood Hazard Boundary Map (FHBM) - an official map of a community, issued by the Floodplain Administrator, where the floodplain boundaries and mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.
30. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
31. Flood Insurance Study (FIS) – see Flood Elevation Study
32. Flood Opening - openings in foundation walls and walls of enclosures that relieve hydrostatic loads to meet basic performance requirements to prevent flotation, collapse and lateral movement due to flood forces. Non-engineered openings do not have moving parts, and openings with moving parts may be used if designed and certified by a registered design professional as meeting certain performance characteristics.
33. Flood Protection System - physical structural works which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
34. Flood Proofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
35. Floodplain Or Flood-Prone Area - any land area susceptible to being inundated by water from any source (see definition of flooding).
36. Floodplain Management - 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.
37. Floodplain Management Regulations – federal, state, or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
38. Floodway – see Regulatory Floodway
39. Freeboard - a factor of safety, usually expressed in feet above a flood level, for purposes of floodplain management.
40. Functionally Dependent Use – a use which cannot perform its intended purpose unless it's located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
41. Highest Adjacent Grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
42. 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 Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by (i) 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.

43. Impervious Cover - a human-made surface that doesn't allow water to seep into the ground and instead causes water to run off. This includes, but is not limited to, surfaces like rooftops, patios (wood, concrete, etc.), driveways/roads (paved or unpaved), sidewalks (paved or unpaved), parking lots (paved or unpaved), and highly compacted soils.

44. 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.

45. 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.

46. Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or 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.

47. Manufactured Home – for floodplain management purposes, means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

48. Manufactured Home Park Or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots or spaces for rent or sale.

49. Mean Sea Level - for purposes of the National Flood Insurance Program, means the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

50. New Construction - for floodplain management purposes, means development for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such developments. For the purpose of determining insurance rates, means structures for which the "start of construction" commenced on or after the effective date of the initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

51. New 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, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

52. Non-residential Structure – a business, commercial, or non-habitational building that does not qualify as a residential building. This category includes, but is not limited to, businesses, churches, schools, garages, pool houses, clubhouses, recreational buildings, mercantile buildings, agricultural and industrial buildings, warehouses, nursing homes, short-term rentals (dwelling with a rental period of less than 6 months), and hotels and motels.
53. One-Percent Annual Chance Flood – see Base Flood.
54. Permanent Construction – includes the pouring of slab or footings or RV pads, the installation of piles, the construction of columns, utility installation, or any work beyond the stage of excavation. 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.
55. Person - includes any individual or group of individuals, corporation, partnership, association or any other entity, including State and local governments and agencies.
56. Pre-Developed Condition – the state and condition of the land prior to the initiation of land disturbing construction activity, including grading.
57. Project – see Development
58. Recreational Vehicle (RV) - a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
59. 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 a designated height.
60. Remedy a Violation - to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.
61. Residential Structure – a non-commercial building used as a dwelling for one to four families
62. Riverine – relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
63. Special Flood Hazard Area (SFHA) – see Area of Special Flood Hazard
64. Start Of Construction – includes substantial improvement and means the date the floodplain development 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 of “permanent construction” of a structure on a site, or the placement of a manufactured home on a foundation. 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 dimensions of the building.

65. Structure – for floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
66. Subdivision Regulations – the current version of the Gillespie County Subdivision and Manufactured Home Rental Community Regulations
67. 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.
68. 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 "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 (a) 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 a local code enforcement official and which are the minimum necessary to assure safe living conditions, or (b) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."
69. Variance – a grant of relief by a community from the terms of a floodplain management regulation.
70. Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
71. Walled and Roofed – a building that has two or more exterior rigid walls and a fully secured roof that is affixed to a permanent site
72. Water Surface Elevation - the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
73. Zone A – an area of special flood hazard representing an approximately studied flood zone where Base Flood Elevations have not been provided.
74. Zone AE – an area of special flood hazard representing a studied flood zone where Base Flood Elevations have been provided.
75. Zone X – an area of minimal or moderate flood hazard which is higher than the Base Flood Elevation.

Section 1.6 SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

ARTICLE 2 GENERAL PROVISIONS

Section 2.1 LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard (including but not limited to Zone A and Zone AE), and all areas of moderate and minimal flood hazard (including but not limited to Zone X) within the jurisdiction of Gillespie County, Texas.

Section 2.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard, moderate flood hazard, and minimal flood hazard identified by the following are hereby adopted by reference and declared to be a part of this ordinance:

A. The areas of special flood hazard, moderate flood hazard, and minimal flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “The Flood Insurance Study (FIS) for Gillespie County, Texas and Incorporated Areas," dated October 19, 2001, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated October 19, 2001 and any revisions thereto.

B. The areas identified by the Federal Emergency Management Agency’s Base Level Engineering maps as a 1% Flood Extent are adopted as an area of special flood hazard as Zone A flood boundaries.

C. The areas identified by the Federal Emergency Management Agency’s Base Level Engineering maps as a 10% Flood Extent are adopted as an area of special flood hazard as floodway boundaries.

D. The areas identified by the Federal Emergency Management Agency’s Base Level Engineering maps outside of the 1% Flood Extent are adopted as an area of moderate and/or minimal flood hazard.

E. In the event of a discrepancy between any of the sources listed above regarding the identification of an area, the effective data shall be determined by the Floodplain Administrator. Generally, the prioritization of effective data will be as follows:

    1. BLE 10% Flood Extent combined with data from #2-#5 below, except where the effective FEMA FIRM has a defined Zone AE Floodway.
    2. Most recent LOMC approved by FEMA.
    3. Effective FEMA FIRM, Zone AE
    4. BLE Flood Extents
    5. Effective FEMA FIRM, Zone A

Section 2.3 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance. Small projects that do not present an obstruction to flood flows or alter drainage, such as sign posts or telephone poles, may be exempted from permitting by the Floodplain Administrator at his/her discretion.

All development permitted under a Floodplain Development Permit is subject to the Road Damage and Repair provisions described in the Subdivision Regulations.

Section 2.4 COMPLIANCE

2.4.1 Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

2.4.2 Penalties For Non-Compliance

Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500 for each violation, and in addition shall pay all costs and expenses involved in the case. Each violation of this ordinance and each day of a continuing violation shall constitute a separate offense. Nothing herein contained shall prevent the Commissioners Court of Gillespie County, Texas from taking such other lawful action as is necessary to prevent or remedy any violation.

2.4.3 Maintenance

Maintenance of the development, drainage facilities, and other improvements constructed under the floodplain development permit shall be the responsibility of the applicant, or the successive property owners. If any facilities or improvements fail to function as designed, whether due to lack of maintenance or any other reason, the applicant, or the successive property owners, shall be responsible for the design and construction costs to restore the system to its original specifications or an improved condition.

Failure to maintain the development, drainage facilities, and other improvements constructed under the floodplain development permit is subject to the penalties for non-compliance stated in this Section.

Section 2.5 ABROGATION AND GREATER RESTRICTIONS

This ordinance shall supersede, repeal, and replace the Flood Damage Prevention Ordinance passed and approved by the County September 24, 2001.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, requirement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 2.6 INTERPRETATION

In the interpretation and application of this ordinance, 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.

The separate headings contained in this ordinance are for reference and convenience only and shall not limit or otherwise affect the meaning of the requirements.

Section 2.7 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance 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. This ordinance does 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. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 2.8 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The County Engineer, or their designee, is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

Section 2.9 DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

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

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit applications to determine whether to ensure that the proposed building site project, including the placement of manufactured homes and recreational vehicles, will be reasonably safe from flooding.
3. Review, approve, or deny all applications for floodplain development permits required by adoption of this ordinance.
4. Review permits for proposed development to ensure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards the Floodplain Administrator shall make the necessary interpretation.
6. In riverine situations, notify adjacent communities, the Texas Commission on Environmental Quality (TCEQ), and the Texas Water Development Board (TWDB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When BFE data is not identified on a FEMA FIRM or FEMA FIS, the Floodplain Administrator shall obtain, review and reasonably utilize any BFE data and floodway data available from a Federal, State or other source, in order to administer the provisions of ARTICLE 3.

Section 2.10 PERMIT PROCEDURES

2.10.1 Permit Application Submittal

Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to:

A. The complete and executed application form;

B. Construction plans in duplicate drawn to scale showing the location, dimensions, and elevation of the proposed development, existing and proposed grading, paving, and stormwater facilities, 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;

C. Flood study prepared, signed, and sealed by a professional engineer licensed in Texas detailing the existing and proposed conditions, including but not limited to floodplain boundaries, BFE data, and topographic information;

D. Digital modeling files used by the engineer to create the information provided in the flood study;

E. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, or elevation of lowest adjacent grade for recreational vehicle spaces;

F. Elevation Certificate developed by FEMA, current version, prepared by a registered engineer or surveyor and submitted with the construction plans, after form boards are set and prior to construction of the foundation, and with the finished construction.

G. Elevation in relation to mean sea level to which any non-residential structure shall be floodproofed;

H. For floodproofed non-residential structures, a Dry Floodproofing Certificate developed by FEMA, current version, prepared by a registered engineer or architect and submitted with the construction plans (See NFIP Technical Bulletin 3, Requirements for the Design and Certification of Dry Floodproofed Non-Residential and Mixed-Use Buildings);

I. When engineered flood openings are used, certification that engineered flood openings are designed to meet the minimum requirements of Section 3.4.5 to automatically equalize hydrostatic flood forces

J. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

K. Certifications prepared, signed, and sealed by a professional engineer licensed in Texas (or other qualified individual as approved by the Floodplain Administrator), that the criteria listed in Section 3.2 is satisfied.

L. Certification prepared, signed, and sealed by a professional engineer licensed in Texas that all federal, state, and local permits required for the development have been approved, or are not required,

M. Copies of all required federal, state, and local permits marked as approved by the appropriate jurisdiction

N. Payment of the permit application fee as described in Section 2.11.

O. Upon completion of construction, as-built plans and a signed and sealed plan conformance letter verifying that the stormwater management facilities and other improvements, including grading, have been constructed in general conformance with the approved drainage study and construction documents and all areas disturbed by construction are revegetated or adequately stabilized.

2.10.2 Permit Application Review

A. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance 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 necessity to the facility of a waterfront location, where applicable;
6. The safety of access to the property in times of flood for ordinary and emergency vehicles;
7. 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;
8. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

B. Third Party Review

1. The Floodplain Administrator may have a third-party engineer review the information provided as part of the floodplain development permit application at the developer's cost. All costs associated with the third-party review shall be paid by the developer prior to the approval of the floodplain development permit application

2.10.3 Permit Expiration

The approval of a Floodplain Development Permit expires 1 year from the date of approval if no progress has been made towards completion of the development.

Section 2.11 PERMIT APPLICATION FEE

Permit fees may be adjusted by the Commissioners Court at any time, the adopted fee shall be updated by amendment to this Ordinance. It is the responsibility of the applicant to ensure that the applicant is referring to the most current version of this Ordinance.

Permit fees must be paid at the time of application by personal check, cashier's check, or other method accepted by the County and made payable to Gillespie County. Payment may be hand delivered or mailed to the Gillespie County Courthouse to the attention of the Engineering Department at 101 West Main

Street, Fredericksburg, Texas 78624. Third party engineering review fees, if applicable, must be paid prior to permit approval.

Table 2-1: Floodplain Development Permit Application Fees

If construction has started prior to approval of a floodplain development permit application, the applicant shall pay the calculated permit fee x 2.

Review Type	Fee
Administrative Fee	$100
Third Party Review Fee	Actual cost

Section 2.12 VARIANCE PROCEDURES

2.12.1 Application

Variances must be requested from the Commissioner's Court prior to or at the same time as a permit application using the form provided by the Floodplain Administrator. The applicant may provide additional exhibits necessary to explain or justify the variance. The Commissioner's Court shall hear and render judgment on requests for variances from the requirements of this ordinance.

The Commissioner's Court shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person or persons aggrieved by the decision of the Commissioner's Court may appeal such decision in the courts of competent jurisdiction.

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.

2.12.2 Criteria for Approval

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. showing a good and sufficient cause;
2. a determination that failure to grant the variance would result in exceptional hardship to the applicant, financial hardship shall not be a basis for the Commissioner's Court granting relief from this ordinance; 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 on or victimization of the public, or conflict with existing local laws or ordinances.

C. 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 if the proposed reconstruction, rehabilitation or restoration 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.

D. Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 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 2.10.2 have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

E. Variances may be issued 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 in Section 2.12 are met, and (b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

F. Variances may be issued for agricultural structures. A variance is authorized to be issued for the construction or substantial improvement of at-grade agricultural structures provided that the structure meets the following criteria:

1. has low damage potential (amount of physical damage, contents damage and loss of function); and
2. does not increase risks and pose a danger to public health, safety and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals and production and storage of highly volatile, toxic or water-reactive materials; and
3. complies with the following wet floodproofing construction requirements:
    a. is anchored to resist flotation, collapse, and lateral movement; and
    b. has flood damage-resistant materials below the baes flood elevation in compliance with the requirements of Article 3 of this Ordinance; and
    c. has mechanical, electrical, and utility equipment in compliance with the requirements of Article 3 of this Ordinance; and
    d. has flood openings in compliance with the requirements of Article 3 of this Ordinance.

G. Upon consideration of the factors noted above and the intent of this ordinance, the Commissioner's Court may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.

2.12.3 Prohibitions

A. Variances shall not be issued within any designated floodplain if any increase in flood levels during the base flood discharge would result unless specifically permitted by Section 3.7

2.12.4 Notice

Any application to which a variance is granted is hereby notified that that the cost of flood insurance will increase correspondingly to the increased risk resulting from a reduced lowest floor elevation.

2.12.5 Expiration

A. If a variance is granted prior to a permit application, the variance shall expire 6 months after its approval if the permit application has not been approved by the Floodplain Administrator.

B. If a variance is granted simultaneously with a permit application, the variance shall expire at the same time as the permit as described in Section 2.10.3.

C. If a variance expires, a new variance application must be submitted in accordance with the requirements of this Section.

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 3.1 ESTABLISHING THE BASE FLOOD ELEVATION

3.1.1 Establishing the BFE in Zone A

A. Subdivisions Or Developments Equal to Or Less Than 30 Lots Or 5 Acres where the tract is wholly or partially within Zone A:

1. The BFE may be determined by the Floodplain Administrator using best available data, the Floodplain Administrator may require the applicant to hire an engineer to develop a BFE using one of the methods in the FEMA publication *"Managing Floodplain development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base (100-Year) Flood Elevations."*, or the BFE may be determined by a Hydrologic and Hydraulic Study performed by the developer's engineer.
2. The required finished floor elevation must be reported for each lot within the SFHA on the final plat of the subdivision or survey of the development

B. Subdivisions Or Developments Greater Than 30 Lots Or 5 Acres where the tract is wholly or partially within Zone A:

1. The BFE must be determined by a detailed Hydrologic and Hydraulic Study performed by the developer's engineer. Copies of all reports and modeling must be submitted to the Floodplain Administrator with the floodplain development permit application. All studies will be reviewed by a third-party engineer selected by the Floodplain Administrator at the developer's cost.
2. The Hydrologic and Hydraulic Study shall be submitted from the developer to FEMA as a LOMR for review and approval prior to floodplain development permit approval. If the developer receives an approved CLOMR from FEMA, a floodplain development permit may be approved conditioned on the developer obtaining an approved LOMR from FEMA prior to construction of any permanent or vertical construction.
3. The required finished floor elevation must be reported for each lot within the SFHA on the final plat of the subdivision or survey of the development.

C. Subdivisions or Developments with the entirety of the SFHA in an undeveloped open space lot may not be required to establish BFE's if a drainage easement is established over the SFHA prohibiting all encroachments, including fill, manufactured homes, recreational vehicles, new construction, substantial improvements, inoperable vehicles, trash, debris, and other development within the easement.

3.1.2 Establishing the BFE in Zone AE

A. The BFE shall be determined by the developer's engineer based on the effective FEMA FIRM maps and FIS studies.

B. Hydrologic and Hydraulic studies, when performed, may be used as the effective BFE and SFHA boundaries unless a LOMR is required as described in ARTICLE 4.

Section 3.2 GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

A. 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;

B. All new construction or substantial improvements, including subdivision proposals and manufactured home parks or subdivisions, shall be constructed by methods and practices that minimize flood damage;

C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage, only Class 4 and Class 5 materials are acceptable for areas below the base flood elevation in buildings in special flood hazard areas (see NFIP Technical Bulletin 2, Flood Damage-Resistant Materials Requirements);

D. 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.

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

F. New and 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;

G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

H. All development shall have adequate drainage provided to reduce exposure to flood hazards;

I. All disturbed areas within the floodplain shall be revegetated or adequately stabilized to prevent erosion and scouring, seeding alone does not constitute revegetation; and,

J. All development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

K. The Floodplain Administrator may require a subdivision or development wholly or partially in the SFHA to submit a site-specific Emergency Preparedness Plan approved by the County Emergency Management Coordinator. At a minimum, the Emergency Preparedness Plan must provide a detailed description of all the items listed below and be signed by the developer.

   1. Identification of special flood hazard areas with a 0.2% chance or more of flooding; including a proposed signage plan to identify these areas on site.
   2. What type of notification or warning system will be in place; including how and when notifications are delivered to occupants, the staff responsible for delivering notifications and their contact information (must be available 24 hours a day), the ratio of staff delivering notifications to the number of occupants, and how the notification system is operated and maintained.

3. What specific metrics are monitored or measured to determine if a notification or warning will be issued; including what measure the metric reaches to initiate delivery of notifications or warnings, the staff responsible for the monitoring of those metrics and their contact information (must be available 24 hours a day).
4. A template document or message displaying the information that will be provided to occupants on the notifications and warnings.
5. Frequency of staff flood emergency drills; including the training process for staff responsible for the monitoring and notification procedures detailed in #2 and #3.
6. Identify staff who will be certified to administer first aid and CPR.
7. How the contact information for on-site occupants will be stored and distributed when it is requested by Emergency Management personnel.
8. An evacuation plan; including information on unflooded exit routes, off-site locations that evacuees will be directed, on-site shelter locations on higher grounds, and transportation plans for occupants without vehicles.

Section 3.3 SPECIFIC STANDARDS – ZONE X

3.3.1 Residential Structures

Residential structures constructed in Zone X shall submit a site plan showing the structure location in relation to the floodplain boundaries on the property. Structures within 100 feet of a SFHA must submit an Elevation Certificate confirming the lowest adjacent grade is above the BFE.

3.3.2 Nonresidential Structures

Nonresidential construction in Zone X shall submit a site plan showing the structure location in relation to the floodplain boundaries on the property. Structures within 100 feet of a SFHA must submit an Elevation Certificate confirming the lowest adjacent grade is above the BFE.

3.3.3 Manufactured Homes

Manufactured Homes placed in Zone X shall submit a site plan showing the manufactured home location in relation to the floodplain boundaries on the property. Manufactured Homes within 100 feet of a SFHA must submit an Elevation Certificate confirming the lowest adjacent grade is above the BFE.

3.3.4 Recreational Vehicles

Recreational Vehicles placed in Zone X shall submit a site plan showing the recreational vehicle location in relation to the floodplain boundaries on the property. Recreational Vehicle spaces within 100 feet of a SFHA must report the lowest adjacent grade confirming the lowest adjacent grade is above the BFE.

3.3.5 Other Development

“Other Development” includes but is not limited to new construction, grading, paving, drainage, fill, and excavation. Refer to Section 1.5 for the definition of “development.”

A. Development of a tract wholly within Zone X with total impervious cover of 40% or greater shall reduce the project’s post-development peak flows, water surface elevations, and flow velocity to pre-development rates for the 5, 10, 50, and 100-year storm events at all points of

discharge. An engineer shall provide construction plans for stormwater management facilities and a drainage study certifying this condition is met. The Floodplain Administrator may require an upstream and/or downstream assessment in an area with known flooding problems or if development is proposed within 100 feet of a property line or shared access easement. The upstream and/or downstream assessment shall extend at least 1,320 feet beyond the property line, measured along the creek centerline.

B. Notice is hereby given that no person may divert or impound the natural flow of surface waters in a manner that damages the property of another by the overflow of the water diverted or impounded per Section 11.086 of the Texas Water Code. Claims of damages under the Texas Water Code may be addressed through civil litigation between property owners.

Section 3.4 SPECIFIC STANDARDS – ZONE A, ZONE A1-30, ZONE AE

3.4.1 Major and Minor Projects Defined

A. A Minor Project may include development on a property resulting in less than 10% impervious cover, construction of walls or fences which are 50% open or more, regrading or disturbance of less than 0.25 acres with insignificant cut/fill as determined by the Floodplain Administrator, or other similar development as determined by the Floodplain Administrator.

B. A Major Project is any development that is not considered a minor project by the Floodplain Administrator. All alterations of a watercourse or natural drainage, and all subdivisions or developments greater than 30 lots or 5 acres are considered a major project.

3.4.2 Requirements for Major and Minor Projects

A. Projects on a property wholly or partially in Zone A

1. Minor Projects shall meet the requirements of Section 3.2 and Section 3.4.
2. Major Projects shall meet the requirements of Section 3.2 and Section 3.4, and must either:
    a. utilize compensatory storage to offset any loss of flood storage capacity, or
    b. demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development, when combined with all other existing and anticipated development, would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

B. Projects on a property wholly or partially in in Zone AE

1. Minor Projects shall meet the requirements of Section 3.2 and Section 3.4, and must either:
    a. utilize compensatory storage to offset any loss of flood storage capacity, or
    b. demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development, when combined with all other existing and anticipated development, would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. Major Projects shall meet the requirements of Section 3.2 and Section 3.4 and shall demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development, when combined with all other existing and anticipated development, would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3.4.3 Residential Structures

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to at least one foot above the BFE.

3.4.4 Nonresidential Construction

New construction and substantial improvement of any non-residential structure shall either have the lowest floor (including basement) elevated to at least one foot above the BFE, or together with attendant utility and sanitary facilities, be designed so that 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 to at least one foot above the BFE. Floodproofing shall not be permitted where the BFE is more than 2 feet above grade.

3.4.5 Enclosures

A. See Section 1.5 for the definition of an Enclosure.

B. New construction and substantial improvement of any enclosure 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:

1. A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than 1-foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3.4.6 Manufactured Homes

A. Manufactured homes are not permitted where the BFE is more than 1-foot above grade.

B. Where permitted, manufactured homes placed or substantially improved on sites outside of a manufactured home park or subdivision shall be elevated so that the lowest floor of the manufactured home is at least one foot above the BFE and anchored to resist flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

C. Where permitted, manufactured homes placed or substantially improved on sites (a) in a new manufactured home park or subdivision, (b) in an expansion to an existing manufactured home park or subdivision, or (c) in an existing manufactured home park or subdivision shall be elevated on a permanent foundation so that the lowest floor of the manufactured home is at

least one foot above the BFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3.4.7 Recreational Vehicles

A. Recreational Vehicles are not permitted where the BFE is more than 1-foot above grade.

B. Where permitted, recreational vehicles shall (a) be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or (b) meet the permit requirements of Section 2.10 and the elevation and anchoring requirements for "manufactured homes" in Section 3.4.6. 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.

3.4.8 Other Development

“Other Development” includes but is not limited to new construction, grading, paving, drainage, fill, and excavation. Refer to Section 1.5 for the definition of “development.”

A. Development of a tract wholly or partially in Zone A or AE with total impervious cover of 40% or greater shall reduce the project’s post-development peak flows, water surface elevations, and flow velocity to pre-development rates for the 5, 10, 50, and 100-year storm events at all points of discharge. An engineer shall provide construction plans for stormwater management facilities and a drainage study certifying this condition is met. The Floodplain Administrator may require an upstream and/or downstream assessment in an area with known flooding problems or if development is proposed within 100 feet of a property line or shared access easement. The upstream and/or downstream assessment shall extend at least 1,320 feet beyond the property line, measured along the creek centerline.

B. Development of a tract wholly or partially in Zone A or AE with total impervious cover of 40% or greater shall demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development, when combined with all other existing and anticipated development, would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

C. Notice is hereby given that no person may divert or impound the natural flow of surface waters in a manner that damages the property of another by the overflow of the water diverted or impounded per Section 11.086 of the Texas Water Code. Claims of damages under the Texas Water Code may be addressed through civil litigation between property owners.

3.4.9 Subdivisions and Developments

A. Subdivisions and Developments shall meet the Floodplain Development Permit requirements of Section 2.2E, Section 2.10, and ARTICLE 3.

B. BFE data shall be generated in accordance with Section 3.1 for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 30 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 2.2A.

3.4.10 Debris and Other Encroachment

A. Abandoned personal property, inoperable vehicles, trash, and other debris poses an imminent danger to public safety and shall not be stored or otherwise temporarily or permanently located within the 100-year floodplain boundaries.

Section 3.5 SPECIFIC STANDARDS - FLOODWAY

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. Unless specified in (B) below, all permanent and temporary encroachments are prohibited, including but not limited to fill, manufactured homes, recreational vehicles, new construction, substantial improvements, inoperable vehicles, trash, debris, and other development within the adopted regulatory floodway.

B. Grading, excavation, and water crossings for vehicular or pedestrian use within the adopted regulatory floodway may be permitted only if it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development, when combined with all other existing and anticipated development, would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Section 3.6 COMPENSATORY STORAGE

Where compensatory storage is utilized, the developer shall offset new fill put in the floodplain by excavating an additional floodable area to replace the lost flood storage area. This shall be done at a hydraulically equivalent site. For example, fill put in below the 100-year flood elevation shall be compensated by removal of soil below that elevation elsewhere in the floodplain. All cut for compensatory storage shall be located outside the banks of all watercourses and drainage channels.

Section 3.7 PROJECTS INCREASING THE BASE FLOOD ELEVATION

Projects intended to reduce flooding, such as flood control reservoirs, may be permitted by the Floodplain Administrator under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations. The Floodplain Administrator may permit development within the adopted regulatory floodway or Zone AE that would result in an increase in BFEs, provided that the developer first completes all of the provisions required by Section 65.12.

ARTICLE 4 PROVISIONS FOR MAP CHANGES

Section 4.1 DEFINITIONS

1. Conditional Letter of Map Amendment (CLOMA) - FEMA's comment on whether a proposed project would be excluded from the SFHA shown on the effective FIRM map
2. Conditional Letter of Map Revision (CLOMR) - FEMA's comment on a proposed project that would affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway or effective BFE.
3. Conditional Letter of Map Revision based on Fill (CLOMR-F) - FEMA's comment on whether a proposed project involving the placement of fill would exclude an area from the SFHA shown on the FIRM map.
4. Letter of Map Amendment (LOMA) - an official amendment, by letter, to an effective FIRM map. A LOMA establishes a property's location in relation to the SFHA.
5. Letter of Map Revision (LOMR) - an official revision, by letter, to an effective FIRM map. A LOMR may change flood insurance risk zones, floodplain and/or floodway boundary delineations, planimetric features, and/or BFE.
6. Letter of Map Revision based on Fill (LOMR-F) - an official revision, by letter, to an effective FIRM map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Section 4.2 LETTER OF MAP CHANGE

Floodplain Development permits are reviewed in accordance with the floodplain boundaries identified in Section 2.2 and the BFEs established in Section 3.1. A developer may revise such boundaries and elevations by submitting a Letter of Map Revision to FEMA for review and incorporation into the effective FIRM and/or FIS. The developer is responsible for all costs associated with LOMC preparation and approval.

4.2.1 Letter of Map Change Requirements

A. A CLOMR is not required to be submitted but it is recommended to ensure the BFE's and/or SFHA may be revised as necessary for the project.

   1. A floodplain development permit for grading and horizontal site improvements related to the CLOMR may be approved after the CLOMR is reviewed and approved by FEMA.
   2. Permanent or vertical construction is not permitted until the LOMR is reviewed and approved by FEMA.

B. In Zone A, a LOMR is required to be reviewed and approved by FEMA for Subdivisions or Developments greater than 30 lots or 5 acres prior to approval of a floodplain development permit.

C. In Zone AE, a LOMR is required to be reviewed and approved by FEMA prior to approval of a floodplain development permit for any subdivision or development where a Hydrologic and Hydraulic Study is performed and demonstrates an increase in BFE, widening of the floodway, or shrinkage of the floodway compared to the effective FIRM Map.

CERTIFICATION OF ADOPTION

APPROVED: _____ (community official)

PASSED: _____ (adoption date)

ORDINANCE BECOMES EFFECTIVE: _July 28, 2025_ (effective date)

I, the undersigned, Daniel Jones, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by Gillespie County, at a regular meeting duly convened on _____ .

_____

Daniel Jones, Gillespie County Judge

ATTEST:

_____

Lindsey Brown, Gillespie County Clerk