

ORDINANCE NO. 2020-06

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, CHAPTER 9. FLOOD DAMAGE PREVENTION ARTICLE I - IN GENERAL SECTION 9-5 DEFINITIONS, SECTION 9-6 LANDS TO WHICH THE CHAPTER APPLIES, SECTION 9-7 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD AND LOCAL FLOODPLAIN, ARTICLE II - ADMINISTRATION SECTION 9-42 (9) AND (10) DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR, SECTION 9-68 STANDARDS FOR SUBDIVISION PROPOSALS, AND SECTION 9-70 FLOODWAYS (1); PROVIDING FOR A PENALTY OF NOT MORE THAN \$1,000.00 FOR EACH VIOLATION

WHEREAS, the City Council has received recommendations of the Planning and Zoning Commission concerning matters herein, which recommendations were made after holding a public hearing before said Commission and;

WHEREAS, the City Council held various workshops and public hearings on this matter and;

WHEREAS, the City Council of Boerne has determined that it is in the best interest of the Boerne community to take into consideration the public health, safety and welfare to adopt the amendments included herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

Code of Ordinances Chapter 9 – Flood Damage Prevention

Sec. 9-5, - Definitions

Development - buildings, roads and other structures; construction; and excavation, dredging, grading, filling and clearing or removing vegetation associated with residential or nonresidential construction.

Local Floodplains - shall be designated as the area inundated by the 100-year flood for all watersheds draining 25 acres or more that do not have a FEMA regulatory floodplain and are defined as a drainageway per this ordinance (Section 9-5). Local floodplains are further defined by a minimum 1-foot flow depth to exclude shallow concentrated or sheet flows from being identified as elevated risk zones per FEMA guidelines.

Redevelopment - any development on previously-developed land, other than rebuilding activity.

Sec. 9-6, - Lands to which the chapter applies.

The chapter shall apply to all areas of special flood hazard **and local floodplain** within the jurisdiction of Boerne.

Sec. 9-7, - Basis for establishing the areas of special flood hazard **and local floodplain**.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for City of Boerne, Texas, Kendall County," dated March of 1983, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) dated September 1983, and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.

(Ref Subdivision Ordinance Flood Hazards 6.05.002 – Flood Plain Designations and General Restrictions) Local Flood Plains shall be designated as the area inundated by the 100-year flood for all watersheds draining 25 acres or more that do not have a regulatory floodplain and are defined as a drainageway per this ordinance (Article 1, Section 04). Local floodplains are further defined by a minimum 1-foot flow depth to exclude shallow concentrated or sheet flows from being identified as elevated risk zones per FEMA guidelines. Base flood elevation data shall be generated for all local floodplains and submitted to the City of Boerne for review with any proposed development. Development is prohibited within the local floodplain, except where necessary roads, to provide for vehicular access to a portion of a subdivision. Redevelopment within the local floodplain may be allowed according to the provisions in the subdivision code.

Sec. 9-42, - Duties and responsibilities of the floodplain administrator

(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 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 (1) foot** at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which does not increase the water surface elevation of the base **flood by more than one (1) foot**, provided that the community first completes all of the provisions required by Section 65.12. No net increase in fill will be allowed within the floodplain as part of new or redevelopment.

Sec. 9-68, - Standards for subdivision proposals.

(6) All subdivision proposals shall show the locations of all special flood hazard and local floodplains within the subject property. Should local floodplains not already be identified by the City, the developer shall develop and identify these, including Base Flood Elevations, with the subdivision proposal,

Sec. 9-70. –Floodways.

Located within areas of special flood hazard established in section 9-7 are areas designated as floodways. 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:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway. ~~unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.~~

PASSED, APPROVED AND ADOPTED on this the first reading the ____ day of January, 2020.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney