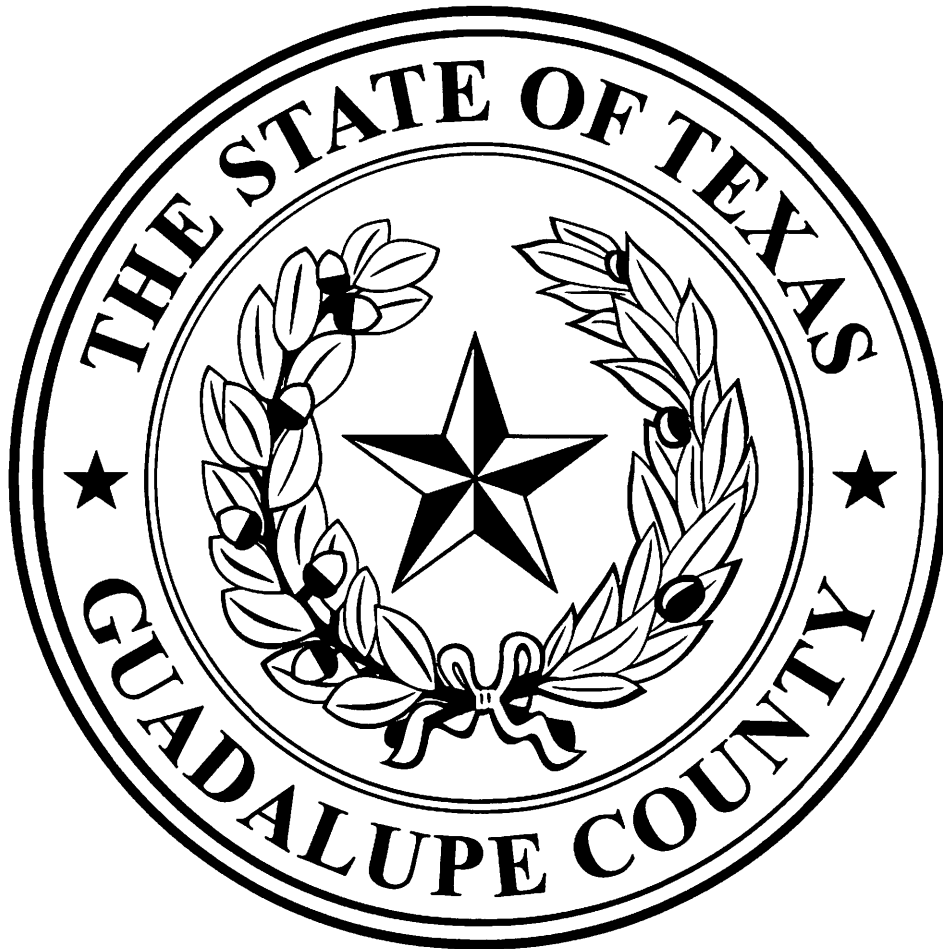


# **GUADALUPE COUNTY, TEXAS**

## **FLOOD DAMAGE PREVENTION COURT ORDER**



**Effective Date: November 2, 2007**

**Amendment Date: June 2, 2009**

**Amendment Date: July 8, 2014**

**Amendment Date: March 26, 2024**

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## **ARTICLE I**

### **STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

#### **A. 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 to the local governmental units to adopt regulations designed to minimize flood losses.

Therefore, the Commissioners Court of Guadalupe County, Texas, does ordain as follows:

#### **B. FINDINGS OF FACT**

1. The flood hazard areas of Guadalupe County 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, flood proofed or otherwise protected from flood damage.
3. It is hereby found by the Commissioner Court of Guadalupe County that severe flooding has occurred in the past within its jurisdiction and is likely to occur in the future, and that damage to property occurs for many reasons including from the Guadalupe River and that the entire area within jurisdiction is prone to rising water.

#### **C. STATEMENT OF PURPOSE**

It is the purpose of this Order 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. 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 erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
6. Require analysis of contributing areas of any size and not part of a FEMA designated floodplain for subdivision proposals.
7. Require the use of Best Available Data for all engineered flood study submittals.

#### **D. METHODS OF REDUCING FLOOD LOSSES**

The objectives of this Order are to:

1. **Protect human life, safety, 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; and**
7. **Ensure that potential buyers are aware that property is in the Special Flood Hazard Area or Flood Area.**

#### **E. SEVERABILITY**

**It is the intention of this Order that the section, paragraphs, sentences, clauses, and phrases of this Order are severable: and if any section, paragraph, sentence, clause, or phrase of these Regulation shall be declared void, ineffective or unconstitutional by a valid judgement and final decree of any court of competent jurisdiction, such shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases hereof, since the same would have been enacted by the Court without the incorporation herein of any such section, paragraph, sentence, clause, or phrase.**

## ARTICLE II

### DEFINITIONS

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

**100-year Floodplain**- Land that is predicted to flood during a 100-year storm, which has a 1 percent annual chance of flooding

**100-year Flood Inundation Area**- a general or temporary condition or partial or complete flooding of areas not ordinarily covered by water due to the overflow of inland or tidal waters or the usual and rapid accumulation or runoff of surface waters from any source.

**500-year Floodplain**- Land subject to a 0.2 percent annual chance of flooding. This area may be designated as Zone X or Zone B on a community's Flood Insurance Rate Map (FIRM).

**Accessory Structure**- Is also referred to as appurtenant structures, an accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

1. Accessory Structures shall not be used for human habitation (including, work, sleeping, living, cooking, or restroom areas)
2. Accessory Structures shall be designed to have low flood damage potential and all the parts of the structure below the base flood elevation (if not insured) and two feet above (if insured) must be made of FEMA- approved flood resistant materials.

**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

**Anchored**- Adequately secured to prevent flotation, collapse, or lateral movement.

**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.

**Appeal**- A request for a review of the Floodplain Administrator's interpretation of any provision of this Order or a request for a variance.

**Appeal Board**- Members of Guadalupe County Commissioners Court.

**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 principle structure.

**Area of Future Conditions Flood Hazard**- The land area that would be inundated by the one percent (1%) annual chance (100-year) flood based on future conditions hydrology.

**Area of Shallow Flooding**- A designated AO, AH, AR/ AO, AR/ AH, or VO 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.

**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 Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

**Backflow Valve**- Are designed to temporarily block pipes and prevent flow into the building and shall be installed on any pipes that leave the building or are connected to equipment located below the flood protection level. In addition to sanitary sewer and septic connections, this shall include water lines, washing machine drains lines, laundry sinks, downspouts, and sump pumps.

**Base Flood**- A flood having a 1 percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)** – 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, AR, VI-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1 percent chance of equaling or exceeding the level in any given year – also called Base Flood.

**Basement**- Any area of the building having its floor sub grade (below ground level) on all sides.

**Best Available Data**- Existing flood hazard information adopted by a community and reflected on an effective FIRM, DFIRM, or within a FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source accepted by Guadalupe County. 100-year Flood Inundation Area

**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.

**Building Access**- Area below the lowest floor used to access the lowest floor of the structure.

**Building Permit**- The same as a development permit or permit.

**Building (Structure)**-

1. A structure is a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. The terms "structure" and "building" are interchangeable in the National Flood Insurance Program (NFIP). Residential and non-residential structures are treated differently. A residential building built in a floodplain must be elevated to flood protection elevation (FPE). Non-residential buildings may be elevated or flood proofed.
2. A manufactured (mobile) home, is a structure built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundations.
3. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances.
4. A Park Model RV built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances.
5. A tiny home built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances.

Building does not mean a gas or liquid storage tank or a recreational vehicle, park trailer, or other similar vehicle, except as described above.

**Certificate of Compliance**- A document issued by the County Floodplain Administrator indicating a site is in compliance with the Guadalupe County Flood Damage Prevention Order as of a specific date.

**Certificate of Non-Compliance**- A document issued by the County Floodplain Administrator indicating a

site is not in compliance with the Guadalupe County Flood Damage Prevention Order as of a specific date.

CLOMA- See Conditional Letter of Map Amendment

CLOMR- See Conditional Letter of Map Revision

Commissioners Court- The Commissioners Court of Guadalupe County, Texas.

Community- A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System- Is a program administered by FEMA that recognizes and encourages community floodplain management activities that exceed the minimum NFIP standards. Participating in the CRS program provides an incentive to maintaining and improving a community's floodplain management program over the years, by automatically reducing flood insurance premiums for the participating community.

Conditional Letter of Map Amendment (CLOMA) - A statement from FEMA that if a project is constructed as planned, a Conditional Letter of Map Amendment can be issued later.

Conditional Letter of Map Revision (CLOMR)- FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

County- The area of Guadalupe County, Texas.

County Unincorporated Area - Unincorporated area of the county means all areas of a county which are outside the corporate limits of all cities which are located within the geographical area of the county.

Critical Facilities- Facilities essential to the preservation of life and property, including, but not limited to school, nursing homes, hospitals, police, fire and emergency response installations, facilities used for the storage of critical records.

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.

Cumulative Substantial Improvement- Any combination of improvements, modifications, additions, repairs, reconstruction, or other improvement of a structure taking place during a period of five years, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair.

Declaration Page- A computer-generated summary of information provided by the prospective policy holder in the application for flood insurance. The declarations page also describes the term of the policy and the limits of coverage and displays the premium and the insurer's name. The declarations page is a part of the flood insurance policy.

Development- Any 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. Fences and fence-type walls located within the floodplain are included

within this definition.

**Development Permit**-A permit for the construction of a development. Also called a building permit or permit in this Order.

**Drainage**- Runoff which flows over land as a result of precipitation. This shall include sheet flow, flow in streets and flows which may concentrate in local drainage systems with or without defined channels.

**Elevated Building**- A non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Elevation Certificate**- a FEMA Form 1660.0008, 2023 Edition, or subsequent revisions used to show elevations of real property in relation to base flood elevations.

**Enclosure**- A partially or fully enclosed area below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement. Enclosures must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

**Existing Construction**- The purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the initial FIRM, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

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

**Expansion to an Existing Manufactured Home Park or Subdivision** - Means 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).

**Federal Emergency Management Agency (FEMA)** - The federal agency under which the National Flood Insurance Program (NFIP) is administered. In March 2003, FEMA became part of the newly created U.S. Department of Homeland Security.

**FEMA'S Estimated Base Flood Elevation Viewer**- the Federal Emergency Management Agency maintains the nations flood hazard information producing Flood Insurance Rate Maps (FIRMS). While modernized and digital FIRMS have been prepared for over 92% of the U.S. population, large land areas remain without any flood hazard information. Base Level Engineering (BLE) assessments provide flood hazard information where FIRMS may not be available. The information on this site will complement any existing Zone A floodplains on the current FIRM.

**Fence**- A barrier, railing, or other upright structure, enclosing an area of ground to mark a boundary. A fence shall not prevent the free flow of floodwaters, trapping debris, or cause flooding of adjacent neighboring properties.

**Fill**- Earthen fill is sometimes placed in a Special Flood Hazard Area (SFHA) to reduce flood risk to the filled area. The placement of fill is considered development and will require a permit under applicable Federal, state and local laws, ordinances, and regulations. Fill is prohibited within the floodway.



**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 or runoff of surface waters from any source

**Flood Elevation Study-** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood related erosion hazards.

**Flood Fringe -** The portion of the floodplain lying outside of the floodway.

**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.

**Flood Insurance Study (FIS) -** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

**Flood Mitigation Assistance Grant Program-** the Flood Mitigation Assistance (FMA) program is authorized by Section 1366 of the National Flood Insurance Act of 1968, as amended with the goal of reducing or elimination claims under the National Flood Insurance Program (NFIP). FMA provides funding to States, Territories, federally-recognized tribes and local communities for projects and planning that reduces or eliminates long-term risk of flooding damage to structures insured under the NFIP.

**Flood Openings-** Openings that are specifically designed and certified by a registered design professional or an evaluation reports been issued by the International Code Council (ICC) Evaluation Services, Inc. (ICC-ES).

**Flood Protection Elevation (FPE) -** The base flood elevation plus two feet at any given location in the floodplain.

**Flood Zone Designations-** Labeled flood zones on the FIRMS:

1. Zone A: Areas of the base (100-year) flood where base flood elevations have not been determined.
2. Zone AE: Areas of base (100-year) flood elevation where base flood elevations have been determined.
3. Zone AH: Areas of base (100-year) flood where depths are between 1.0 to 3.0 feet (usually ponding); and Base Flood Elevations are shown.
4. Zone AO: Areas of base (100-year) flood where depths are between 1.0 to 3.0 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
5. Zone X: Shaded- Areas of the 500-year Flood, areas of 0.2 percent Annual Chance Flood; areas of 1 percent Annual Chance Flood with average depths of less than one foot or with drainage areas less than one square mile; and areas protected by levees from 1 percent annual chance flood.
6. Zone X: Unshaded- Areas determined to be outside either the 100- or 500- year floodplain or the 0.2 percent annual chance floodplain.

A 100-year flood or 100-year floodplain describes an event or an area subject to a 1 percent probability of a certain flood occurring in any given year.

**Floodplain or Flood Prone Area-** Any land area susceptible to being inundated by water from any source.

**Floodplain Development Permit-** Permit that is required in conformance with the provision of this Order, prior to the commencement of any development activity.

**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.

**Floodplain Mitigation**- A hydraulically equivalent volume of floodplain storage sufficient to offset a reduction in floodplain storage or conveyance capacity.

**Floodplain Management Regulations**- Zoning orders, subdivision regulations, building codes, health regulations, special purpose orders (such as a floodplain order, grading order and erosion control order) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Flood Protection System** - Means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area 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.

**Flood Proofing** - Means 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.

**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.

**Freeboard**- An additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., 2 foot above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or flood proofed to be in accordance with state or community floodplain management regulations.

**Functionally Dependent Use**- A use, which cannot perform its intended purpose unless it is 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.

**Habitable Floor**- Any Floor useable for the following purposes, including working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purpose only is not a habitable floor.

**HEC-RAS**- A computer model used to conduct a hydraulic study, which produces flood elevations, velocities and floodplain widths.

**Hazardous Materials**- Any item or chemical which can cause harm to people, plants, or animals when exposed by spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment. Hazardous Materials include solar panels.

**Highest Adjacent Grade (HAG)** - 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:

1. 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;

2. 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;
3. 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
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - a. by an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by Secretary of the Interior in states without approved programs.

**Hydrodynamic Forces**- Are imposed on an object, such as a building, by water flowing against and around it. Among the forces are positive frontal pressure against the structure, drag effect along the sides, and negative pressure in the downstream side.

**Hydrostatic Forces**- Standing water or slowly moving water can induce horizontal hydrostatic forces against a structure, especially when floodwater levels on different sides of a wall are not equal. Also flooding can cause vertical hydrostatic forces, or flotation.

**Improvements**- The process of erecting, constructing, enlarging, altering, and/or repairing of any development.

**Junk Vehicle**- A vehicle that is self-propelled and inoperable is wrecked, dismantled or partially dismantled, discarded, or has remained inoperable for more than 30 consecutive days.

**Landscaping**- The placement of trees, shrubs, or plants for the purpose of beautification.

**Letter of Map Amendment (LOMA)** - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA).

**Letter of Map Change (LOMC)** -Letter of Map Change (LOMC) is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F).

**Letter of Map Revision (LOMR)** - A Letter of Map Revision is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both.

**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.

**Living Space/Area**- Space within a structure utilized for working, living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

**Lowest Adjacent Grade (LAG)** – The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

**LOMA** - Letter of Map Amendment

**LOMR** - Letter of Map Revision

**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.

**Manufactured Home** - Means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Map Revision**- A change in the FIRM for a community which reflects a revised zone, base flood, or other information.

**Market Value**-The value of an improvement established by the Guadalupe County Appraisal District, unless a property owner demonstrates to the administrator, by use of a certified appraisal, that another value is appropriate.

**Mean Sea Level**- For purposes of this Order, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevation within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced.

**National Flood Insurance Program (NFIP)** - The program of flood insurance coverage and floodplain management administered under the Act and applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations, Subchapter B. The NFIP currently provides 1,337 NFIP flood insurance policies in force with Guadalupe County, affording \$370.3 million in coverage. Policyholders filed 1,979 claims since 1979, providing a cumulative claim payment history of \$90.09 million.

**Natural Ground** – The grade unaffected by construction techniques such as fill, landscaping, or berms.

**Net Open Area**- The permanently open area of designed flood openings.

**New Construction**- For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures 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 structures.

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

**No Rise Certificate**- Any project in a floodway must be reviewed to determine if the project will increase flood heights. An engineering analysis must be conducted before a permit can be issued. A record of the results of this analysis, which can be in the form of a No-Rise Certification, must be submitted to the county. This No-Rise Certification must be supported by technical data and signed by a professional engineer.

**Non-Conversion Agreement**- The agreement states that the owner will not convert or alter any enclosure

below the flood protection elevation that is used for parking, access to building, or storage what has been constructed and approved. The owner and subsequent owners agree to allow a representative of Guadalupe County in the premises to verify compliance with this agreement at least once a year. The County representative will provide at least 48 hours' notice of such visit. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties.

**Non-Residential Structure**- Includes, but not limited to: small businesses, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, hotels and motels with normal room rentals less than six (6) months' duration, nursing homes and structures that would be residential structures, except that are used less than six (6) months a year.

**Obstruction**- Any construction that prevents the free flow of floodwaters.

**Parking of Vehicles**- Area used for parking below the lowest floor of a building.

**Person**- An individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, organization and / or limited liability company.

**Permit**- A permit as required by this Order. A permit is issued for any development that is located on a property where the ground elevation is below the base flood elevation or subject to flooding as determined by this Order.

**Post-FIRM Building**- Construction or other development for which the "start of construction" occurred on or before the effective date of the initial FIRM.

**Pre-FIRM Building**- Construction or other development for which the "start of construction" occurred on or after the effective date of the initial FIRM.

**Recreational Vehicle (RV)** - RV that displays the RV Industry Association seal and is:

1. Designed to provide temporary accommodation for recreation, camping or seasonal use;
2. RVs are built on a single chassis;
3. Mounted on wheels;
4. Designed to be self-propelled or permanently towable by a light duty truck;
5. Have a gross trailer area not exceeding 400 square feet in the set-up mode; and
6. Up to 8'6" in width
7. Includes Park Model RVs or Trailer-type RVs

**Recreational Vehicle Park or Subdivision**- A recreational vehicle park or subdivision for which the construction of facilities for servicing the lots on which the recreational vehicles 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.

**Rehabilitation** - An improvement made to an existing structure which does not affect its External dimensions.

**Remodel (Rehabilitation/ Renovation)** - An improvement made to an existing structure which does not affect the external dimensions of the structure.

**Referenced Level**- Is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, or A99.

**Repetitive Loss**- Flood-related damage sustained by a structure on two separate occasions during a 10-year

period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

**Repetitive Loss Structure**- A residential structure that is covered under an NFIP flood insurance policy that has had at least two claims in any 10 year period for which the cost of repairs exceeds 25% of the market value of the structure before damage occurred.

**Residential Structure**- Structure that is considered to be a domicile or is used for residential purposes for 6 months or more. Residential structures include a single family home, multiple unit apartment buildings, a residential condominium, or a manufactured or modular home.

**Rising Water**- The increase in level in or level and/or intensity of an overflow of water onto normally dry land.

**Riverine**- Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Severe Repetitive Loss Structure**- A residential structure that is covered under a NFIP flood insurance policy and:

1. That has at least four NFIP claim payments (including building and contents) over \$5,000 each, and the cumulative amount of such claims payments exceeds \$20,000;
2. For which at least two separate claims payments (building payments only) have been made with the cumulative amount of the building portion of such claims exceeding the market value of the building;

For both (1) and (2) above, at least two of the referenced claims must have occurred within any 10-year period, and must be greater than 10 days apart.

**Special Flood Hazard Area** – see Area of Special Flood Hazard

**Start of Construction**-

For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement 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. This also includes Shoreline areas.

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 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. A permit is required prior to the start of construction.

**Stop Work Order**- A written notification to cease any and all construction.

**Storage**- All new construction and substantial improvements must have any fully enclosed area below the lowest floor useable solely for storage, parking or access. The type of storage permitted in an enclosed lower area should be limited to that which is incidental and accessory to the principal use of the structure no larger than 300 sq. ft.

**Stormwater Management** - Efforts to reduce the impact of increased runoff that results from new development.

**Stormwater Detention** - Storing stormwater runoff for release at a restricted rate after the storm subsides.

**Stormwater Retention** - Storing stormwater runoff for later use in irrigation or groundwater recharge, or to reduce pollution

**Structure**- See Building (Structure).

**Subdivision**- For the purposes of these rules, a subdivision is created anytime a developer is required to file a plat under the Guadalupe County Subdivision Regulations.

**Substantial Damage**- Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**Substantial Improvement**- Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure taking place cumulatively during a period of five years. The cumulative 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 that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

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;
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Tiny Home**- A small building, typically sized under 400 square feet or less.

**Utilities**- Whether inside an attached garage or outside the building, all utilities, appliances and equipment must be elevated above the flood protection elevation. Utilities include plumbing, electrical, heating and air condition equipment.

**Variance**- A grant of relief from the requirements of these Regulation when specific enforcement would result in unnecessary hardship. A variance therefore, permits construction or development in a manner otherwise prohibited by this Order. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

**Violation**- 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 NFIP 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.

**Water Surface Elevation** - Means 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.

**Zone**- A geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

**ARTICLE III  
GENERAL PROVISIONS**

**A. LANDS TO WHICH THIS ORDER APPLIES**

This order shall apply to all areas of Special Flood Hazard Area with the jurisdiction of Guadalupe County, and to subdivisions, and manufactured home parks, regulated by Floodplain Regulations.

**B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS (SFHA)**

The areas of Special Flood Hazard Area identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Guadalupe County and Incorporated Areas" dated March 27, 2024, with accompanying Flood Insurance Rate Maps (FIRM) dated March 27, 2024, and any revisions thereto are hereby adopted by reference and declared to be a part of this Order.

**C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT**

A Floodplain Development Permit shall be required in conformance with the provisions of this Order prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this Order.

**D. COMPLIANCE**

No structure or land, located in the Special Flood Hazard Area (SFHA), shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Order, including obtaining a Floodplain Development Permit, and other applicable regulations.

No subdivision, manufactured home parks, or recreational vehicle parks may be begun, altered, extended or completed, without full compliance with the terms of this Order, including obtaining a Floodplain Development Permit, and other applicable regulations.

If a person has violated, is violating, or is threatening to violate this Order in any manner, Guadalupe County may institute a civil suit in the appropriate court for injunctive relief to restrain the person from continuing the violation or threat of violation including, but not limited to, an order directing the person to remove illegal improvements and restore preexisting conditions. In addition, a person who violates this Order is subject to civil penalty

Any person who diverts or impounds the natural flow of surface waters or permits a diversion or impounding by the person to continue in a manner that damages the property of another by the overflow of the water diverted or impounded may be subject to civil suit in the appropriate court for injunctive relief to restrain the person from continuing the violation and directing the person to remove illegal improvements and restore the property to preexisting conditions and subject to a civil penalty.

Guadalupe County shall file against any parcel of land that is in violation of this Order a notice in the real property records identifying any condition on the property that the County determines violates the rules adopted by this Order.

The County shall notify a mortgage holder and a flood insurance carrier of any violations of this Order and identify the owner, developer, and tract of land affected.

No person may provide utility services (electric, gas, telecommunications, sewer, and water) that connect the land and/or improvements with utility services without written certification from the County that the property



complies with the rules adopted.

#### **E. ABROGATION AND GREATER RESTRICTIONS**

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

#### **F. INTERPRETATION**

In the interpretation and application of this Order, all provisions shall be;

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

#### **G. WARNING AND DISCLAIMER OR LIABILITY**

The degree of flood protection required by this Order is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Order does not imply that land outside the areas of Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Order shall not create liability on the part of the County or any official or employee therefore any flood damages that result from reliance in this Order or any administrative decision lawfully made thereunder.

#### **H. FEES**

An applicant for a Floodplain Development Permit shall pay the fee set by Commissioners Court at the time of application. Payments rendered are for processing and review of the application and are not refundable when a permit cannot be issued because applicable approval criteria cannot be met.

**ARTICLE IV**  
**ADMINISTRATION**

**A. SCOPE**

Subject to Article 3.C, provisions of this Order shall apply to all new construction or development, proposed subdivisions, proposed manufactured home communities and/or manufactured housing as defined under Chapter 1201.003 (12), (18), and (20) of the Texas Occupation Code, Manufactured Housing, alter the topography that would affect others or violate Section 11.085 of the Texas Water Code, and to the construction, alteration, repairs, use, location, or maintenance of every building or structure or any appurtenances connected to or attached to such building or structures, within the designated area affected by this Order.

No person shall erect, construct, enlarge, alter, repair, or improve any building, development structure or manufactured housing as defined under Chapter 1201.003 (12), (18), and (20) of the Texas Occupation Code, Manufactured Housing, alter the topography that would affect others or violate Section 11.086 of the Texas Water Code, in the applicable jurisdiction, or the cause such to be done without first obtaining a separate building permit for such buildings or structures from the Floodplain Administrator.

**B. DESIGNATION OF FLOODPLAIN ADMINISTRATOR**

The Chief Executive Officer of Guadalupe County or his designated agent is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Order and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

**C. FLOODPLAIN DEVELOPMENT PERMIT APPLICATION, AND CERTIFICATION REQUIREMENTS**

An application for a permit for any proposed work shall be deemed void six (6) months after the date of filing, unless before then a permit shall have been issued; provided that, for cause, one or more extensions of time for periods not exceeding 90 days each shall be allowed by the Floodplain Administrator.

1. **Permit Application Requirements.** The Floodplain Development Applications shall include, but not be limited to:
  - a. Application for a Floodplain Development Permit.
  - b. Elevation Certificate produced by a Professional Engineer or Surveyor.
  - c. Address assignment verification obtained at the Guadalupe County Road & Bridge Department.
  - d. Abstract Card obtained at the Guadalupe County Appraisal District.
  - e. Recorded Deed obtained at the Guadalupe County Clerk's office.
  - f. Recorded Subdivision Plat obtained at the Guadalupe County Clerk's office.
  - g. Non-Residential Building Permit obtained at the Fire Marshal's office.
  - h. Issued driveway permit obtained at the Guadalupe County Road & Bridge Department or TX DOT.
  - i. Design and plans of proposed development.
  - j. Planning materials shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
    - i. Plumbing, electrical, and base flood elevation shown on the plan.
    - ii. The nature, location, dimensions, and elevations of the area of development/disturbance.
    - iii. Existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development.
  - k. Approved septic system design
    - i. A Development Permit will not be issued that is on a tract of land that is found to be in violation of the Guadalupe County On-site Sewage order and/or the Guadalupe County Subdivision Regulations.

- ii. Any potential OSSF site within a 100-year floodplain is subject to special planning requirements. The OSSF shall be located so that a flood will not damage the OSSF during a flood event, resulting in contamination of the environment.
  - iii. OSSF located within the 100-year floodplain must be designed by a Registered Sanitarian.
  - iv. OSSF located within the floodway must be designed by a Professional Engineer.
- l. A Non-Conversion Agreement is required to be signed before a floodplain development permit will be issued.
- m. ICC-ES Evaluation Report for Flood Openings or Certificate of Engineered Flood Openings for enclosures below BFE.
- n. Owners Cost Estimate of Reconstruction / Improvements Affidavit.
- o. Contractors Cost Estimate of Reconstruction / Improvements Form.
- p. No-Rise Certification for any development in the floodway.
- q. Certificates and/or permits issued from other agencies.
- r. Hydrologic & Hydraulic Analyses (required for development located in the floodway per Article E.1.
- s. Manufactured Home Anchoring Design.
- t. Completed GBRA Shoreline Application.
- u. Required Permit Fee.

## 2. Certification Requirements.

### a. Elevation Certificates

- i. An Elevation Certificate (FEMA Form FF-206-FY-22-152 (formerly 086-0-33) (10/22) or latest version) is required at time of the permit application is submitted and base flood elevation is established. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certificate and make required corrections shall be cause to issue a stop-work order for the project.
- ii. A final as-built Elevation Certificate (FEMA Form FF-206-FY-22-152 (formerly 086-0-33) (10/22) or latest version) is required after construction is completed and prior to Certificate of Compliance issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certificate of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit some instances, another certificate may be required to certify corrected as-built construction. Failure to submit the certificate or failure to make required corrections shall cause to withhold the issuance of a Certificate of Compliance.

### b. Floodproofing Certificate

A Floodproofing Certificate (FEMA Form FF-206-FY-22-152 (formerly 086-0-33) (10/22) or latest version) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certificate of the flood proofed designed elevation of the referenced level and all attendant utilities, in relation to mean sea level. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the correction or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance.

**c. ICC-ES Evaluation Report or Certificate of Engineered Flood Openings**

Engineered openings are accepted when the designs are certified and the certifications are submitted as part of the permit applications. Acceptable documentation of certification are the certification reports (i.e., ICC-ES Evaluation Reports or equivalent reports from other product certification organizations) and individual certifications for specific buildings (see Section 9.3.4 NFIP Technical Bulletin 1 March 2020).

**D. EXISTING STRUCTURES**

1. If additions or repairs that would affect FEMA regulations costing fifty percent (50%) or more of the current market value of the building are made to an existing building, such building shall be made to conform to the requirements of this Order for new buildings.
2. If an existing building is damaged by fire or otherwise fifty percent (50%) or more of the current market value before such is repaired and would affect FEMA regulations, it shall be made to conform to the requirements of this Order for new buildings.
3. For the purpose of this section, market value of the building shall be determined based upon the appraised value. For each addition or repairs the appraised value of the residence will remain fixed until completion of purposed project.

**E. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

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

1. Review all floodplain development applications and issue permits for all development within Special Flood Hazard Areas to assure that the requirements of this Order have been satisfied.
2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
3. Notify, in ravine situations, adjacent communities and the State Coordinating Agency which is Texas Water Development Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
4. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
5. Prevent encroachments into floodways areas unless the certification and flood hazard reduction provisions of Article 5.E of this Order are met.
6. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all construction and substantially improved structures, in accordance with the provision of Article 5.A-4 of this Order.
7. Obtain actual elevation (in relation to mean sea level) to which all construction and substantially improved structures and utilities have been floodproofed, in accordance with the provision of Article 5.A-4 of this Order.
8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article 5.A-4 of this Order.
9. When floodproofing is utilized for a particular structure, obtain certifications from a registered

professional engineer or architect in accordance with the provisions of Article 4.E-2 and Article 5.B-2 of this Order.

10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas and floodways (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation.
11. In the absence of FEMA BFE data and floodway data, obtain, review, and reasonably utilize other BFE and floodway data as a basis for elevating residential structures to or above the base flood level, and for floodproofing or elevating non-residential structures to or above the base flood level.
12. Where BFE data are utilized in, obtain and maintain records of the lowest floor and floodproofing elevations for new and substantially improved construction.
13. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no construction, substantial improvements, or other development (including fill) shall be permitted within Zones A 1-30 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 change the water surface elevation of the base flood more than one foot at any point within the community.
14. 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 A 1 -30, AE, AH, on the community's FIRM which change the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by Section 65.12.
15. When lowest floor and the lowest natural adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the base flood elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Flood insurance is still available for parcels outside a Special Flood Hazard Area.
16. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, 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 order 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.
17. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Order, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work.
18. 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.
19. Follow through with corrective procedures of Article 4.G of this Order.

20. Review, provide input, and make recommendations for variance requests.
21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 3.B of this Order, including any revisions thereto including Letters of Map Change, issued by FEMA.
22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

#### **F. CORRECTIVE PROCEDURES**

1. **Violations to be corrected:** When the Floodplain Administrator finds violations of applicable State and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation and issue a Stop Work Order. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
  - a. Upon notice from the Floodplain Administrator or designated agent that work on any building, structure, or any improvement which would affect water drainage, is being done contrary to the provisions of this Order, or is dangerous or unsafe manner, such work shall be immediately stopped. Such notice will be given in writing and shall be given to the owner of the property or to his agent, or to the person doing the work, and shall state the condition under which work may be resumed. Where an emergency exists, no written notice shall be required to be given by the Floodplain Administrator or designated agent, provided; written notice shall follow within twenty-four (24) hours from the time oral notice to stop work is issued.
2. **Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
  - a. The building or property is in violation of the floodplain management regulations;
  - b. A meeting will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person to present arguments and evidence pertaining to the matter; and
  - c. Following the meeting, the Floodplain Administrator may issue an order to alter, vacate or demolish the building; or to remove fill as applicable.
3. **Order to Take Corrective Action:** If, upon a meeting held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Order, he or she issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one-hundred eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
4. **Appeal:** Any owner who has received an order to take corrective action may appeal the order to the Appeal Board by giving notice of appeal in writing to the Floodplain Administrator within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Appeal Board shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
5. **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor.

## **G. VARIANCE PROCEDURES**

- 1. The Appeal Board shall hear and render judgment on requests for variances from the requirements of this Order.**
- 2. The Appeal Board 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 Order**
- 3. Variances may be issued for:**
  - a. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.**
  - b. Any other type of development, provided it meets the requirements of this Section.**
- 4. In considering variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Order, and:**
  - a. The danger that materials may be swept onto other lands to the injury of others;**
  - b. The danger to life and property due to flooding or erosion damage;**
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;**
  - d. The importance of the services provided by the proposed facility to the community;**
  - e. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;**
  - f. The compatibility of the proposed use with existing and anticipated development;**
  - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;**
  - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;**
  - i. 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; and**
  - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.**
- 5. A written report addressing each of the above factors shall be submitted with the request for a variance.**
- 6. Upon consideration of the factors listed above and the purposes of this Order, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this Order.**
- 7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.**
- 8. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will commensurate with the increased risk resulting from the reduced lowest floor elevation.**
- 9. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the**

**Courts of competent jurisdiction.**

**10. 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.**

**11. Conditions for Variances:**

- a. Variances shall not be issued when the variance will make the structure in violation of other Federal, State or local laws, regulations, or orders.**
- b. Variances shall not be issued within any designated floodway area if the variance would result in any increase in flood levels during the base flood discharge.**
- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.**
- d. Variances shall only be issued prior to development permit approval.**
- e. Variances shall only be issued upon:**
  - i. A showing of good and sufficient cause;**
  - ii. A determination that failure to grant the variance would result in exceptional hardship; and**
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or orders.**



## ARTICLE V

### PROVISIONS FOR FLOOD HAZARD REDUCTION

#### A. GENERAL STANDARDS

In all Special Flood Hazards Areas (Zones A1-30, AE, and AH) the following provisions are required:

1. No alteration, diversion, encroachment, or enlargement shall be made to any bayou, lake, creek, natural drainage, drainage ditch, or waterway without specific written authorization from the county Floodplain Administrator and the U.S. Army Corps of Engineers – Galveston District, if applicable.
2. No person may divert or impound the natural flow of surface waters or permit a diversion or impounding by him to continue in a manner that damages the property of another by the overflow of the water diverted or impounded.
3. 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.
4. New construction or substantial improvements, that fully enclose areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either have a Certificate of Engineered Flood Openings or ICC-ES Evaluation Report. The flood openings must 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) The openings shall be installed on at least two walls of the enclosure.
  - d) The openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
5. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage and are elevated to flood protection elevation.
6. New construction or substantial improvements shall be constructed with materials resistant to flood damage as specified in the Technical bulleting 2-08 (TB 2-08) "Flood Resistant Material Requirements for Building located in Special Flood Hazard Areas in accordance with the National Flood Insurance Program" and any revision thereto.
7. New construction or substantial improvements shall be constructed with electrical, heating, ductwork, ventilation, plumbing, air conditioning equipment and other service facilities designed to minimize flood damage and elevated to flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches. If any electrical components are below the flood prevention elevation, they must be designed to prevent damage from flooding. This may involve waterproof enclosures, barriers, protective coatings, or other techniques to protect vulnerable components. The County shall require a certification from a licensed professional that the standards for resistance to flood damage are met.
8. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

9. 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.
10. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. A backflow valve shall be installed on the main drain pipes that leave the structure or that are connected to equipment that is below the potential flood level.
11. Docks shall be adequately anchored to prevent damage to neighboring properties. In addition, a boathouse or other structures with walls and a roof shall meet all applicable requirements for a building or accessory structure.
12. All additions, new construction, and substantial improvement of any residential structures shall have the lowest floor, including basement, and all utilities elevated to flood protection elevation. If the flood elevation of a garage attached to an addition is lower than the minimum flood protection elevation, the garage must meet the standards in accordance with the provisions of Article 4.B-10 of this Order.
13. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
14. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
15. When a structure is partially located in the Special Flood Hazard Area, the entire structure shall meet the requirements for construction and substantial improvements.
16. When a structure is located in multiple flood hazard zones or in a flood hazard risk with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.
17. The engineering "No-Rise/No-Impact" certification and supporting technical data must stipulate NO impact or NO changes to the flood base elevation, regulatory floodway elevations, or regulatory floodway widths at the new cross-sections and all existing cross-sections anywhere in the model. Therefore, the revised computer model should be run for a sufficient distance upstream and downstream of the development site to insure proper "No-Rise/No-Impact" certifications.

## B. SPECIFIC STANDARDS

In all Special Flood Hazards Areas where Base Flood Elevation (BFE) data has been provided, as set forth in this Order, the following provisions, in addition to the provisions of Article 5.B-10, are required:

1. Residential Construction – New construction and substantial improvement of any residential structure shall have:
  - a. The lowest floor, including basement, mechanical, utility equipment, and ductwork elevated to flood protection elevation.
  - b. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 5.B-1 of this Order, is satisfied.
  - c. A Non-Conversion Agreement is required to be signed before a certificate of compliance will be issued.
2. Non-Residential Construction - New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have:
  - a. The lowest floor, including basement, mechanical, utility equipment, and ductwork elevated to flood

- protection elevation
- b. 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.
  - c. A Floodproofing Certificate for Non-Residential Structures shall be submitted to the Floodplain Administrator that the standard of this subsection as proposed in Article 5.B-7 of this Order, is satisfied.
  - d. A Non-Conversion Agreement is required to be signed before a certificate of compliance will be issued.
3. **Manufactured Homes**
- a. New and replacement manufactured homes lowest floor (the bottom of the manufactured home steel frame) elevated to flood protection elevation.
  - b. New and replacement manufactured homes shall have the ductwork, and exposed plumbing and electrical components elevated to flood protection elevation.
  - c. Manufactured homes shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
    - i. Adequately anchored- is considered to be a system of ties, anchors, and anchoring equipment that will withstand flood and wind forces.
  - d. All enclosures or rigid skirting below the lowest floor shall meet the requirements of Article 5, Section A (2) of this Order.
4. **Recreational Vehicles**- Recreational vehicles shall either:
- a. Be on the site for fewer than 180 consecutive days;
  - b. Be fully licensed and ready for highway use, (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); or
  - c. Meet all requirements for new construction.
  - d. The property owner will be responsible for any recreational vehicle violations.
5. **Park Model RV**- Trailer-type RV shall either:
- a. Be on the site for fewer than 180 consecutive days;
  - b. Be fully licensed and ready for highway use, (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); or
  - c. Meet all requirements for new construction.
  - d. The property owner will be responsible for any park model RV violations.
6. **Tiny Homes**- Must meet Residential Construction requirements of Article 5, Section B (1) of this Order unless the tiny home typically sized under 400sqft and displays the RV Industry Association seal. If the tiny home displays the RV Industry Association seal, see Recreational Vehicles requirements of Article 5, Section B(4) of this Order.
7. **Additions**- All additions (Pre-FIRM or Post- FIRM) are to be elevated to flood protection elevation.
- a. Additions to both Pre-FIRM and Post-FIRM structures that are not a substantial improvement, the addition in combination with any interior modifications to the existing structure are:
    - i. Additions with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the requirements for new construction.
    - ii. Additions with modifications to the existing structure (common wall is demolished as part of the project) shall require the addition and the existing structure to meet the requirements for

new construction.

- b. Additions to both Pre-FIRM and Post-FIRM structures that are a substantial improvement, the addition in combination with the existing structure shall meet the requirements for new construction.
8. **Cumulative Substantial Improvement Rules-** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure taking place during a period of five years, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair.
9. **Accessory Structures-** Accessory structure (detached garages, carports, barns, etc.) that are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
  - a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
  - b. Accessory structure shall not be temperature-controlled;
  - c. Accessory structures shall be designed to have low flood damage potential;
  - d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
  - e. All service facilities such as electrical shall be installed in accordance with the provisions of Article 5.B-1 of this Order; and
  - f. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be installed in accordance with the provisions of Article 5.A-4 of this Order.
10. **Fences or Fence-Type** walls shall not prevent the free flow of floodwaters, trapping debris, or flooding The adjacent neighboring properties. Picket fences must have a 12 inch gap from the grade. Cattle paneling or chicken wire is permitted to safeguard your property. Fences or fence-type walls located in the floodway must be supported by a No-Rise Certificate.
11. **Enclosures-** New construction and substantial improvements, with fully or partially enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
  - a. Enclosed area shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
  - b. Enclosed area shall not be temperature-controlled;
  - c. Enclosed areas shall be designed to have low flood damage potential;
  - d. All service facilities such as electrical shall be installed in accordance with the provisions of Article 5.A-7 in this Order; and
  - e. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be installed in accordance with the provisions of Article 5.A-4 of this Order.
12. **Parking Area-** Area used for parking of vehicles below the lowest floor. For all enclosed parking area the following criteria shall be met:
  - a. Enclosed parking area shall be in accordance with the provisions of Article 5.A-4 of this Order.
  - b. Enclosed parking area shall not be partitioned, temperature-controlled, or finished into separate rooms.
  - c. Enclosed parking area shall be less than 300 square feet total or 3 wall sides.
13. **Building Access-** Area used to access the lowest floor of the structure. Enclosed building access the following criteria shall be met:
  - a. Enclosed building access area shall be in accordance with the provisions of Article 5, Section B(10) of this Order.

- b. Enclosed building access area shall not be partitioned, temperature-controlled, or finished into separate rooms.
  - c. Enclosed building access area shall be less than 32 square feet total.
  - d. Closed from habitable floor.
14. **Storage Area**- Areas used for storage below the lowest floor of the structure. Enclosed storage areas the following criteria shall be met:
- a. Enclosed storage area shall be in accordance with the provisions of Article 5, Section B (10) of this Order.
  - b. Enclosed storage area shall not be partitioned, temperature-controlled, or finished into separate rooms.
  - c. Enclosed storage area shall be less than 300 square feet total.
15. **Breakaway Walls**- Shall not be allowed in any Special Flood Hazard Area.
16. **Junk Vehicles**- Junk vehicles shall not be allowed in a Special Flood Hazard Area. For the purposes of this Order, a junked vehicle includes motor vehicle, aircraft, or watercraft, applies to only:
- a. A motor vehicle that displays an unexpired license plate or does not display a license plate.
  - b. An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under FAA aircraft registration regulations in 14 CFR Part 47.
  - c. A watercraft that:
    - i. Does not have lawfully on board an unexpired certification number.
    - ii. Is not a watercraft described by Section 31.55, Parks and Wildlife Code.
17. **Flood Mitigation Assistance Grant Program Recipients**- The property owner of federally funded hazard mitigation properties under the flood mitigation assistance program accepts the following conditions:
- a. That the Property Owner has insured all structures that will not be demolished or relocated out of the SFHA for the above mentioned property to an amount at least equal to the project cost or to the maximum limit of coverage made available with respect to the particular property, whichever is less, through the National Flood Insurance Program (NFIP), as authorized by 42 U.S.C. §4001 e1 seq., as long as the Property Owner holds title to the property as required by 42 U.S.C. §4012a.
  - b. That the Property Owner will maintain all structures on the above mentioned property in accordance with the floodplain management criteria set forth in title 44 of the Code of Federal Regulation (CFR) Part 60.3 and Guadalupe County Flood Damage Prevention Court Order as long as the Property Owner holds title to the property.
  - c. That the property owner will provide the Declaration Page of the flood insurance policy at time of renewal.
  - d. The above conditions are binding for the life of the property. To provide notice to subsequent purchasers of these conditions, the Property Owner agrees that the County will legally record with the county or appropriate jurisdiction's land records a notice that includes the name of the current property owner (including book/page reference to record of current title, if readily available), a legal description of the property, and the following notice of flood insurance requirements:
    - i. "This property has received Federal hazard mitigation assistance. Federal maintained during the life of the property regardless of transfer of ownership of such property. Pursuant to 42 U.S.C. §5154a, failure to maintain flood insurance on this property may prohibit the owner from receiving Federal disaster assistance with respect to this property in the event of a flood disaster. The Property Owner is also required to maintain this property in accordance with the floodplain management criteria of Title 44 of the Code of Federal Regulation Part 60.3 and Guadalupe County Flood Damage Prevention Court Order."
  - e. Failure to abide by the above conditions may prohibit the Property Owner and/or any subsequent purchasers from receiving Federal disaster assistance with respect to this property in the event of any future flood disasters. If the above conditions are not met, FEMA may recoup the amount of the

grant award with respect to the subject property, and the Property Owner may be liable to repay such amounts.

18. **Natural Growth**- Property owners must maintain natural growth and excessive debris in the Special Flood Hazard Area to not compromise the natural flow of water.
19. **Fill Material** – Residential and Commercial fill is prohibited in the floodway. Fill in the floodplain requires a permit and must meet the following:
  - a. Each acre may not contain no more than 20 loads (250 cubic yards) of dirt. Property owner is required to equally disperse and spread the material to ensure no more than 20 loads of fill being placed on each acre.
  - b. The property owner must be able to provide to the County information to the location of which the dirt came and who hauled/delivered the fill material and where is it being placed.
  - c. All fill material must be spread evenly and as per permit request within six (6) months of the permit issuance date. If the material is not spread within this time period, the property owner may be requested to remove the material.

### C. STANDARDS FOR SUBDIVISION PROPOSALS

1. A subdivision proposal will not be approved that is on a tract of land that is found to be in violation of the Guadalupe County Flood Damage Prevention Court Order, the Guadalupe County On-site Sewage Order, and/or Health and Safety codes, and Subdivision Rule Book.
2. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this Order.
3. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section B; and the provisions of Article 5 of this Order
4. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section C(11) of this Order.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
6. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
7. A drainage study shall be conducted for all subdivisions of any size within or outside of the SFHA. Flood waters originating within these areas shall not be allowed to drain from the area described in higher quantities or flow rates than existed under pre-described conditions. This shall be accomplished by the proper design and construction of detention, retention, and/or drainage systems.
8. All subdivision proposals shall include a drainage study for the 100-year inundation area.

### D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B of this Order, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths 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; therefore, the following

provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to flood protection elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).
2. All new construction and substantial improvements of non-residential structures;
  - a. Have the lowest floor (including basement) elevated to flood protection elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified) ; or
  - b. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section B(2) of this Order are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures. However, drainage paths cannot deflect flow onto adjacent properties.

#### **E. FLOODWAYS AND NON-ENCROACHMENT AREAS**

Areas designated as floodways or non-encroachment area are located within the Special Flood Hazard Areas established in Article 3.B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have potential and carry debris and potential projectiles. The following provisions, in addition to standards outlines in Article 5.A and 5.B, shall apply to all development within such areas:

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 must stipulate NO impact or NO change to the 25 year and base flood elevations, regulatory floodway elevations, or regulatory floodway widths at the new cross-sections and at all existing cross-sections anywhere in the model. Therefore, the revised computer model should be run for a sufficient distance upstream of the development site or at the discretion of the Floodplain Administrator to insure "No-Rise / No-Impact" Certifications.

The "No-Rise / No-Impact" supporting data should include, but may be limited to:

- a. Copy of currently effective FIS hydraulic models (legible hard copy and a disc (if available))
- b. Duplicate effective hydraulic models (hard copy or disc).
- c. Existing conditions hydraulic models (hard copy or disc).
- d. Proposed conditions hydraulic models (hard copy or disc).
- e. Annotated effective FIRM or FBFM and topographic map, showing regulatory floodplain or floodway boundaries, the additional cross-sections, and the site location along with the proposed topographic modifications.
- f. Documentation clearly stating analysis procedures. All modifications made to the duplicate effective hydraulic models to correctly represent existing conditions, as well as those made to the existing condition models to represent proposed conditions should be well documented

- and submitted with all supporting data.
- g. Annotated effective Floodway Data Table (from FIS report).**
  - h. Statement defining source of additional cross-sections, topographic data, and other supporting information.**
  - i. Cross-sections plots of the additional cross sections for existing and proposed conditions hydraulic models.**
  - j. Certified planimetric (boundary survey) information indicating the location of structures on the property.**
  - k. Hard copy of all output files.**
  - l. Clear explanation of how roughness parameters were obtained (if different from those used in the hydraulic models).**
  - m. Engineering certification.**
- 2. If Article 5.E of this Order above is satisfied, all development shall comply with all applicable flood hazard reduction provisions of Article 5.E of this Order.**
  - 3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.**
  - 4. The storage of hazardous materials, in any form, is prohibited within the boundaries of the regulatory floodplain and floodway.**



ARTICLE VI

LEGAL STATUS PROVISIONS

A. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS

Nothing herein contained shall require any change in plans, construction, size, or designed use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this Order; provided, however, that when construction is not begun under such outstanding permit within a period of one hundred eighty (180) days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this Order.

B. PENALTIES FOR NON COMPLIANCE

This Order shall apply to all Special Flood Hazard Areas within the jurisdiction of Guadalupe County. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. A person commits an offense if the person knowingly or intentionally violates a requirement established by, or adopted by the Commissioners' Court and contained in this Order. An offense under this subsection is a Class C misdemeanor.


Fees will be doubled the original fee for any development or construction commenced prior to obtaining the appropriate approval.

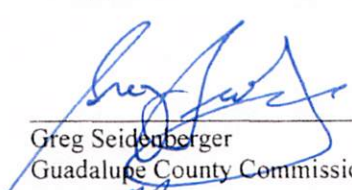
D. EFFECTIVE DATE

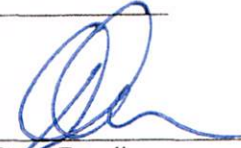
This Order shall become effective March 26, 2024

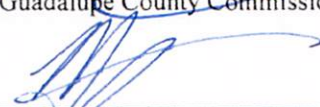
E. ADOPTION CERTIFICATE

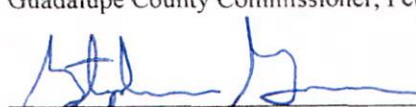
Approved:

  
\_\_\_\_\_  
Kyle Kutscher  
Guadalupe County Judge

  
\_\_\_\_\_  
Greg Seidenberger  
Guadalupe County Commissioner, Pct. 1

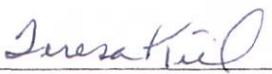
  
\_\_\_\_\_  
Drew Engelke  
Guadalupe County Commissioner, Pct. 2

  
\_\_\_\_\_  
Michael Carpenter  
Guadalupe County Commissioner, Pct. 3

  
\_\_\_\_\_  
Stephen Germann  
Guadalupe County Commissioner, Pct. 4

I hereby certify that this is a true and correct copy of the Guadalupe County Flood Damage Prevention Order as adopted by the Commissioners' Court of Guadalupe County, Texas, on the 26th day of

March, 2024.

  
\_\_\_\_\_  
Teresa Kiel  
Guadalupe County Clerk

