

Definitions and Flood Damage Prevention CODE AMENDMENT

DATE: December 4, 2019

CODE AMENDMENT SECTIONS: Part III – Zoning and Development Code: Chapter 1, Article III, Section 1-50 regarding definitions; and, Chapter 8, Article X, Division 12, Section 8-160(b) and 8-161(a) and (b)(1)(f) regarding flood damage prevention

STAFF REVIEW AND ANALYSIS: The City participates in the National Flood Insurance Program (NFIP) that is administered by the Federal Emergency Management Agency of the US Department of Homeland Security (FEMA). This participation provides all citizens of the City with the opportunity to purchase flood insurance. In order to participate, the City must adopt and enforce Flood Damage Prevention (FDP) regulations acceptable to FEMA.

Effective December 20, 2019, FEMA is issuing a revised Flood Insurance Study (FIS) for Williamson County, Texas and Incorporated Areas that contains new Flood Insurance Rate Maps (FIRMs). This FIS revision encompasses a large portion of the City. The FEMA FIS and FIRMs are important components of the City's floodplain management efforts, providing flood risk information used by the City, the development community, property owners and renters, and, by lenders and flood insurance professionals.

Because of the upcoming FIS revision, FEMA asked to review the City's FDP regulations and subsequently requested that the definition of "Development" be amended. In September 2018, recodification of the City's Code occurred which removed definitions from the City's FDP regulations and combined them with other definitions in the Code; part of the definition of "Development" was eliminated in the recodification. This ordinance will amend the definition of "Development" as required by FEMA.

FEMA also requested an addition to a notifications section in the City's FDP regulations. This ordinance will add "TCEQ" to the notifications section as requested by FEMA.

In order to avoid confusion, City staff believes that it is prudent that City Code refer to the latest effective FIS for both Williamson and Travis Counties, although not technically required because City Code provides for automatic reference to any FIS revisions issued by FEMA. This ordinance will amend the date references to show the latest FIS dates for both counties.

Under the City's FDP regulations, the City is required to designate a Floodplain Administrator. Currently, the Floodplain Administrator is the City Engineer which is an employee within the Utilities and Environmental Services Department (UES). The City Engineer position is not a permanent City position, therefore City staff believes it would be prudent to designate the UES Director, or the Director's designee, as Floodplain Administrator. The UES Director could of course then serve as the Floodplain Administrator, or designate the City Engineer or other position as the City's Floodplain Administrator as he/she determines appropriate. This ordinance will provide this re-designation.

RECOMMENDED MOTION:

Staff recommends approval of this Code Amendment.

ORDINANCE NO. O-2019-_____

AN ORDINANCE AMENDING ZONING AND DEVELOPMENT CODE, CHAPTER 1, ARTICLE III, SECTION 1-50 AND CHAPTER 8, ARTICLE X, DIVISION 12, SECTION 8-160(b) AND 8-161(a) and (b)(1)(f) REGARDING FLOOD DAMAGE PREVENTION, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That Zoning and Development Code, Chapter 1, Article III, Section 1-50, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended as follows:

CHAPTER 1. INTRODUCTORY PROVISIONS

Sec. 1-50. - Definitions.

The purpose of this section is to define words, terms and phrases contained within this code, unless otherwise specifically defined elsewhere herein. Definitions for words not defined below may be defined elsewhere in the City of Round Rock Code of Ordinances or found in Webster's Dictionary of the English language, unabridged, subject to interpretation by the PDS director.

Term	Definition
Development	The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, excavation or other movement of land, for which permission may be required pursuant to this Code. Includes reconstruction, alteration of the size, or material change in the external appearance of a structure; changes in intensity of land use; alteration of shores or banks of ponds, lakes, creeks or streams; and excavation for the construction, the moving, alteration, or repair, except ordinary repairs, of any building or other structure, including an accessory structure, exceeding 100 square feet in area. <u>For the purposes of Part III, Chapter 8, Article X, Division 12 of this Code, development shall also include any man-made change in improved and unimproved real estate, including but not limited to mining, dredging, filling, paving or drilling operations or storage of equipment or materials.</u>

1 II.

2 That Zoning and Development Code, Chapter 8, Article X, Division 12, Section 8-
3 160(b), Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby
4 amended as follows:

5 CHAPTER 8. ZONING AND DEVELOPMENT STANDARDS

6
7 Sec. 8-160. - General provisions.

- 8 (b) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified
9 by the Federal Emergency Management Agency in a scientific and engineering report entitled "~~the~~
10 "Flood Insurance Study for Williamson County, Texas and Incorporated Areas," dated ~~September 26,~~
11 2008 December 20, 2019, and the "Flood Insurance Study for Travis County, Texas, and
12 Incorporated Areas," dated ~~September 26, 2008 August 18, 2014,~~ with accompanying flood
13 insurance rate maps, and any revisions thereto are hereby adopted by reference and declared to be
14 a part of this section.

15
16 II.

17 That Zoning and Development Code, Chapter 8, Article X, Division 12, Section 8-
18 161(a) and (b)(1)(f), Code of Ordinances (2018 Edition), City of Round Rock, Texas, is
19 hereby amended as follows:

20 CHAPTER 8. ZONING AND DEVELOPMENT STANDARDS

21
22 Sec. 8-161. - Administration.

- 23 (a) *Designation of the floodplain administrator.* The ~~city engineer-director of utilities and environmental~~
24 ~~services or the director's designee~~ is hereby appointed the floodplain administrator to administer and
25 implement the provisions of this article and other appropriate sections of 44 CFR (National Flood
26 Insurance Program regulations) pertaining to floodplain management.
- 27 (b) *Duties and responsibilities of the floodplain administrator.*
- 28 (1) Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the
29 following:
- 30 a. Maintain and hold open for public inspection all records pertaining to the provisions of this
31 article.
- 32 b. Review permit application to determine whether proposed building site, including the
33 placement of manufactured homes, will be reasonably safe from flooding.
- 34 c. Review, approve or deny all applications from development permits required by adoption of
35 this article.
- 36 d. Review permits for proposed development to assure that all necessary permits have been
37 obtained from those federal, state or local governmental agencies (including section 404 of

the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1344) from which prior approval is required.

- e. Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
- f. Notify, in riverine situations, adjacent communities, ~~and~~ the state coordinating agency, which is the Texas Water Development Board (TWDB), and the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- g. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- h. When base flood elevation data has not been provided in accordance with Sec. 8-160(b), obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of Sec. 8-162.
- i. Must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones AI-30 and AE on the community's FIRM when a regulatory floodway has not been designated, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood

IV.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

1 Alternative 1.

2 By motion duly made, seconded and passed with an affirmative vote of all the
3 Council members present, the requirement for reading this ordinance on two separate
4 days was dispensed with.

5 **READ, PASSED, and ADOPTED** on first reading this ____ day of
6 _____, 2019.

7 Alternative 2.

8 **READ and APPROVED** on first reading this the ____ day of
9 _____, 2019.

10 **READ, APPROVED and ADOPTED** on second reading this the ____ day of
11 _____, 2019.

12
13
14 _____
15 CRAIG MORGAN, Mayor
16 City of Round Rock, Texas
17

18 ATTEST:
19

20 _____
21 SARA L. WHITE, City Clerk