

AN ORDINANCE 2008-09-11-0789

**AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY AMENDING APPENDIX F TO CLARIFY THAT FILL OF FLOODPLAIN AREAS IS ONLY REQUIRED TO THE REGULATORY FLOODPLAIN.**

\* \* \* \* \*

**WHEREAS**, the San Antonio City Council adopted the revised Unified Development Code (UDC) on May 3, 2001; and

**WHEREAS**, the Unified Development Code Technical Advisory Committee has recommended approval of these amendments to the UDC; and

**WHEREAS**, the Planning Commission has recommended approval of these amendments pertaining to planning issues; and

**WHEREAS**, the Zoning Commission recommended approval of this amendment after a public hearing on the matter at which parties in interest and citizens had an opportunity to be heard;  
**NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Code of San Antonio, Texas is amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text.

**SECTION 2.** Chapter 35, Appendix F, Subdivision C, Section A, Allowable Development Within the Regulatory Floodplain is amended as follows:

**SUBDIVISION C. FLOODPLAIN DEVELOPMENT PERMITS**

**Section A. Allowable Development Within the Regulatory Floodplain.**

This subdivision shall only apply to areas of special flood hazard within the jurisdiction of the city and where applicable in its area of extraterritorial jurisdiction.

(f) The following development may be allowed in the regulatory 100-year floodplain and will require a floodplain development permit:

- (1) All weather (passes the ultimate development 100-year flood) street crossings.
- (2) Utility construction.
- (3) Parks.
- (4) Greenways.
- (5) Recreational facilities and golf courses.
- (6) Hike and bike trails.
- (7) Drainage improvements that mitigate existing or anticipated flood hazards.
- (8) Capital improvement projects.
- (9) Maintenance activities necessary to maintain the stormwater conveyance of the floodplain.

- (10) Drainage infrastructure repair.
  - (11) Floodplain restoration.
  - (12) Wetland reestablishment or mitigation.
  - (13) Habitat re-establishment.
  - (14) Installation of flood monitoring controls - rain gages, early flood warning systems, high water detection systems, etc.
  - (15) Installations of emergency devices necessary to warn, alarm and protect citizens at flood hazards.
  - (16) Improvements to a structure that does not fall under the definition of substantial improvement.
  - (17) Elevating and/or floodproofing structures in the floodplain.
  - (18) One hundred-year floodplain reclamation where the watershed drainage area is less than three hundred twenty (320) acres.
  - (19) Parking lot construction where water depths do not exceed six (6) inches.
  - (20) One hundred-year floodplain reclamation in areas of ineffective flow.
  - (21) One hundred-year floodplain reclamation in overbank areas subject to extensive shallow (0'--3') flooding where flood velocities in the overbank area are less than three (3) fps.
  - (22) Historic structure reconstruction, rehabilitation or restoration.
  - (23) Development in the low risk flood area subject to the requirements of section 35-F145.
  - (24) Reclamation between the 100-year floodplain and the regulatory 100-year floodplain.
- ~~Elevate development one (1) foot above the water surface elevations established for the regulatory 100-year floodplain.~~
- (25) Projects that are in the best interest of the public.
  - (26) Nonresidential construction. Some or all of the following restrictions will be placed on nonresidential construction in the floodplain:
    - A. Demonstrate that no alternate site is available for development within the property that is out of the floodplain.
    - B. Meet all the requirements of subsection 35-F142(b), Nonresidential construction.
    - C. Ensure the lowest finished floor elevation and/or the height to which the building must be floodproofed is no lower than the higher elevation of the energy grade line or the water surface elevation plus one (1) foot of the regulatory 100-year floodplain.
    - D. No increase in water surface elevations over existing conditions is permitted anywhere within the watershed as a result of the construction. An increase in water surface elevation is permitted on the developer's property if the floodplain is contained in a dedicated drainage easement or right-of-way.
    - E. Unflooded vehicular access must be available to the development from a public street.
    - F. Demonstrate that the development will not increase the 100-year floodplain predevelopment velocities above six (6) fps. No increase in velocity will be permitted if predevelopment velocities exceed six (6) fps.
    - G. Demonstrate that the development will not be subject to damage from hydrostatic or hydrodynamic forces, debris impact, soaking, sediments and contaminants.
    - H. Provide operate and maintain an early flood warning system for the development. Warning systems will be subject to periodic inspection by the City of San Antonio to ensure they are maintained and operated as intended.
    - I. Complete the Letter of Map Revision process for the development.
    - J. The owner shall indemnify the City of San Antonio against damages resulting from flooding on the owner's site.
    - K. Other site-specific restrictions and/or requirements deemed appropriate by the floodplain administrator.
  - (27) Construction in areas of flood inundation must meet the requirements of section 35-F141, General ~~Standards~~ Standards. Structures associated with park and recreation development (fences, open construction type bleachers, concession stands etc.) may be permitted in areas of flood inundation. Keep this construction out of the flood conveyance section of the floodplain. Compensate for loss of storage. Secure structures to minimize damage from hydrostatic or hydrodynamic forces (including buoyancy) and debris impact.

**SECTION 3.** All other provisions of Chapter 35 of the City Code of San Antonio shall remain in full force and effect unless expressly amended by this ordinance.

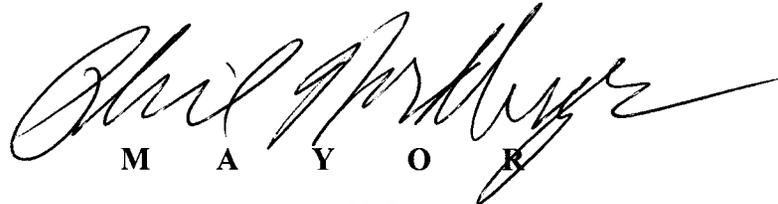
**SECTION 4.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 5.** Notice of these changes to the Unified Development Code shall not require the publication in an official newspaper of general circulation in accordance with Chapter 35, Article IV, Division 1, Table 403-1.

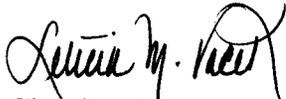
**SECTION 6.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

**SECTION 7.** This ordinance shall be effective immediately if it receives eight affirmative votes, otherwise, it shall be effective on the 21st day of September, 2008.

**PASSED AND APPROVED this the 11th day of September, 2008.**

  
M A Y O R  
**PHIL HARDBERGER**

**ATTEST:**

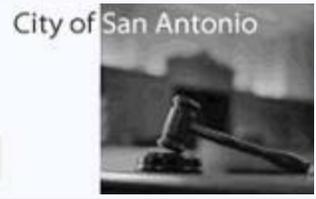
  
City Clerk

**APPROVED AS TO FORM:**

  
City Attorney



Request for  
**COUNCIL  
ACTION**



## Agenda Voting Results - 20


<b>Name:</b>	20
<b>Date:</b>	09/11/2008
<b>Time:</b>	03:44:03 PM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	An Ordinance amending Chapter 35, Unified Development Code, of the City Code, by amending Appendix F to clarify that fill of floodplain areas is only required to the regulatory floodplain. [Sharon De La Garza, Assistant City Manager; Majed Al Ghafry, Director, Public Works]
<b>Result:</b>	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3	x					
Philip A. Cortez	District 4	x					
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				x
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				

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**Section A. Allowable Development Within the Regulatory Floodplain.**

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**NJH:**  
**Item No.**

- (8) Capital improvement projects.
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**Item No.**

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**SECTION 7.** This ordinance shall become effective September xx, 2008.

**PASSED AND APPROVED this the xxth day of September, 2008.**

**M A Y O R**

**ATTEST:**

**City Clerk**

**APPROVED AS TO FORM:** \_\_\_\_\_

**City Attorney**



**CITY OF SAN ANTONIO**  
**Request for Council Action**

Agenda Item # 20  
Council Meeting Date: 9/11/2008  
RFCA Tracking No: R-3881

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**DEPARTMENT:** Public Works

**DEPARTMENT HEAD:** Majed A. Al-Ghafry

**COUNCIL DISTRICT(S) IMPACTED:**  
City Wide

**SUBJECT:**  
Amendment to Unified Development Code

**SUMMARY:**

Amendment to UDC Chapter 35, Appendix F Section A Item 24 and 27 for clarification.

**BACKGROUND INFORMATION:**

The amendment is for clarification in the language to the UDC. The language proposed for deletion, "Elevate development one (1) foot above the water surface elevations established for the regulatory 100-year floodplain", will resolve an ambiguity. The City does not regulate 1 foot of freeboard (to establish an additional foot of protection above the proposed 100-year water surface) for flood proofing property. The language proposed for removal implies that it can be applied to the development of just land. However, City regulations and practice dictate that only insurable structures such as commercial buildings or homes are required to have freeboard. Removal of said language clarifies the City's position relating to freeboard requirements.

**ISSUE:**

This amendment will resolve an ambiguity within the language of the UDC and clarify the storm water regulations relative to structures.

**ALTERNATIVES:**

City Council may choose not to approve this amendment, and the language in the UDC would stay the same. However, this leads to continued ambiguity, misinterpretation of the code, and potential legal actions against the City.

**FISCAL IMPACT:**

There is no fiscal impact to the approval of this item.

**RECOMMENDATION:**

Staff recommends approval of this amendment.

**ATTACHMENT(S):**

File Description	File Name
<a href="#">UDC Chapter 35 Appendix F</a>	35-Appendix F with Definitions.doc
<a href="#">Voting Results</a>	
<a href="#">Ordinance/Supplemental Documents</a>	200809110789.pdf

**DEPARTMENT HEAD AUTHORIZATIONS:**

Majed A. Al-Ghafry Director Public Works

**APPROVED FOR COUNCIL CONSIDERATION:**

Sharon De La Garza Assistant City Manager