

## ORDINANCE NO. 2024-61

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 39 OF THE SAN MARCOS CITY CODE REGARDING FLOOD DAMAGE PREVENTION BY ADOPTING THE PRELIMINARY MAP REVISION TO THE FLOOD INSURANCE RATE MAPS, CLARIFYING CERTAIN PROVISIONS AND MAKING REVISIONS CONSISTENT WITH SUCH ADOPTION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND DECLARING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** Section 39.015 of the San Marcos City Code, Definitions, is hereby amended by revising the definition of “working flood model” as shown below. Added text is indicated by underlining.

*Working flood model* means the model(s) most recently approved by the Federal Emergency Management Agency as updated by ongoing projects reviewed by the City of San Marcos to reflect cumulative impacts of development.

**SECTION 2.** Section 39.021 of the San Marcos City Code is hereby amended as shown below. Added text is indicated by underlining. Deleted text is indicated by strikethroughs.

### **Sec. 39.021. Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency are those identified in scientific and engineering reports entitled:

- (1) "Flood Insurance Study for Hays County, Texas, and Incorporated Areas," dated ~~September 2, 2005~~ effective January 17, 2025, with accompanying ~~F~~lood Insurance ~~R~~ate ~~M~~aps dated January 17, 2025, and any revisions thereto;
- (2) "Flood Insurance Study for Caldwell County, Texas, Unincorporated Areas," dated Effective December 30, 2020, with accompanying ~~F~~lood ~~I~~nsurance ~~R~~ate Maps dated December 30, 2020, and any revisions thereto;
- (3) "Flood Insurance Study for Guadalupe County, Texas, and Incorporated Areas," dated Effective December 30, 2020, with accompanying Flood Insurance ~~R~~ate ~~M~~aps dated December 30, 2020, and any revisions thereto;

- (4) "Flood Insurance Study for Comal County, Texas, and Incorporated Areas," dated effective September 2, 2009, with accompanying Flood Insurance Rate Maps dated September 2, 2009, and any revisions thereto; ~~are hereby adopted by reference and declared to be a part of this chapter;~~ and
- (5) The "Working Flood Model" which shall be used to determine the current extents and elevation of the base flood during times of ongoing developments and pending map revisions adopted by reference and declared to be a part of this chapter.

In the City of San Marcos, the flood insurance rate maps reflect the base flood limits as floodway because the City requires the same level of analysis as if located within a traditional floodway. The change in floodway extents should not be interpreted as any greater risk of flooding or damages caused by flooding. Any revision or amendment to the flood insurance study which is requested by a landowner in the city shall be submitted to the floodplain administrator. All requests for map amendment or map revision must be approved by the floodplain administrator in writing prior to their submission to FEMA. If modification of the base floodplain is proposed, an effective conditional letter of map amendment or conditional letter of map revision shall be on file with the floodplain administrator prior to any development. All submittals to FEMA shall be made at no cost to the city. No certificate of occupancy shall be issued for any structure until all data supporting that compliance with this chapter has been submitted and approved by the floodplain administrator.

**SECTION 3.** In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

**SECTION 4.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 5.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 6.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on December 17, 2024.

**PASSED, APPROVED AND ADOPTED** on second reading on January 7, 2025.

Jane Hughson  
Mayor

Attest:

Approved:

Elizabeth Trevino  
City Clerk

Samuel J. Aguirre  
City Attorney