SECTION D. EXEMPTIONS FROM DEVELOPMENT PERMITS

The following occurrences shall be exempt from obtaining a Development Permit. However, even if exempted, Development must always avoid silt runoff to neighboring properties and have no adverse impact on the drainage on, from, or through adjacent properties.

(1) Installation of three-strand barbed wire fence.

(2) Clearing on property outside the Area of Special Flood Hazard, intended exclusively for single-family residential dwellings and outbuildings and for which the Development/Disturbed Area does not exceed fifty percent (50%) of the owned property, up to a total of 2.5 acres (this is cumulative of the entire property and not just proposed Development and is regardless of total acreage that might be contiguously owned by the property owner). Additionally, there must be no grading that alters the natural flow of water or any alteration of streams, swales, or ditches.

(3) Any clearing on tracts outside the Area of Special Flood Hazard used for commercial purposes (as defined by the Montgomery Central Appraisal District) that is less than 15,000 square feet of Disturbed Area, and where there has been no grading that alters the natural flow of water or any alteration of streams, swales, or ditches.

(4) The basic upkeep and remodeling of a Structure (internal or external), provided that such upkeep does not result in a Substantial Improvement to the property in the Area of Special Flood Hazard. This exemption does not include upkeep associated with converting the property's use from residential to anything other than residential use.

(5) Clearing and cleaning of debris and damage resulting from a weather event such as a hurricane, tornado, fire, or flood (this does not include the demolition of any actual Structures).

(6) Excavation or placement of fill on residential property or vacant lots outside the Area of Special Flood Hazard, provided the affected area is less than 15,000 square feet and the volume does not exceed 500 cubic yards (area and cubic yard maximums apply cumulatively regardless of how many tracts are owned).

(7) Recreational Vehicles stored on a property owner’s lot where a residence already exists, provided they are unoccupied, not connected to water or sewer facilities, currently registered, and capable of highway use.

(8) Non-permitted development on residential tracts that occurred more than ten (10) years ago, and on commercial tracts more than fifteen (15) years ago, outside of the floodway, and which is believed not to cause an alteration in the natural flow of water or an increase to the Base Flood Elevation. Land use involving the storage of inventory, materials, mulch, soil, etc. will be viewed as an ongoing alteration and shall not establish an existing condition establishing or eligible for exemption.

(9) Development outside the Special Flood Hazard Area for the maintenance of agricultural operations, including, but not limited to, controlled burns, clearing of trees, and maintenance along fence lines.

(10) Demolition of Structures outside the Area of Special Flood Hazard that are less than 500 square feet.

(11) Repairs or replacement of fences located inside the Area of Special Flood Hazard, provided the replaced fence maintains the same size and materials.

(12) Fences and swimming pools outside the Area of Special Flood Hazard are exempt.

The Floodplain Administrator reserves the right to request additional documentation, materials, and affidavits to substantiate and verify eligibility for any exemption. Additionally, final eligibility for any exemption may require adherence to other local, state, and federal regulations.