

From: Elizabeth Elleson
Sent: Tuesday, November 1, 2022 11:39 AM
To: Odalys C. Johnson PE; Rick Schroder; Travis Kaatz
Subject: Re: Floodplain Regulation and Management Ordinances

Odalys, you ask: "Has it been corroborated that it is possible for the City to prohibit the use of a well to fill the pond?"

As you are aware, the number of regulations regarding groundwater use is quite large. One applicable regulation might be that relating to groundwater availability for platting:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=230&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=230&rl=Y)

Texas Administrative Code - Secretary of State of Texas

title 30: environmental quality: part 1: texas commission on environmental quality: chapter 230:
groundwater availability certification for platting

texreg.sos.state.tx.us

Within that regulation, no outright prohibition is found. Rather, it appears that a developer must show to TCEQ that sufficient groundwater is available for the subdivision use before being allowed to access groundwater. The criteria are contained in the regulation.

Given the intricacies of groundwater regulation, I recommend contacting TCEQ directly for a quick, short answer to your question.

As an aside, I'm curious as to why the P&Z wants to "prohibit the use of groundwater for wet bottom detention ponds or would prohibit the construction of wet bottom detention ponds outright." (Because water is limited (drought)? Potential contamination of groundwater from wet ponds? Protect the Edwards Aquifer?) I'm not an engineer, but what I'm finding is that the use of groundwater assists with the primary purpose of a wet pond (to treat/release stormwater runoff). At the Harris County Flood Control District, for example, "Groundwater is the preferred source for maintaining the permanent pool in HCFCD wet bottom detention basins" at page 26. <https://texasriparian.org/wp-content/uploads/2013/02/HCFCD-Design-Guidelines-for-Wet-Bottom-Basins.pdf> It would seem that with the area's high flooding potential (during very wet seasons like a few years ago) that groundwater use in ponds would be helpful. Is it possible to permit the use but after performing studies and reviewing designs (impermeable liners, rock walls, etc.)? Of course, I defer here to the engineers.

EE

Elizabeth Elleson
City Attorney
City of Johnson City

Mobile: (512) 964-1220

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From: Odalys C. Johnson PE <ojohnson@quiddity.com>
Sent: Tuesday, November 1, 2022 9:16 AM
To: Rick Schroder <rschroder@johnsoncitytx.org>; Travis Kaatz <tkaatz@civil-edge.com>
Cc: Elizabeth Elleson <cityattorney@johnsoncitytx.org>
Subject: RE: Floodplain Regulation and Management Ordinances

Good morning,

I suggest to include the proposed revision as item B under Section "3.1 Storm Drainage Design Criteria".

Has it been corroborated that it is possible for the City to prohibit the use of a well to fill the pond?

I've also seen instances where it was considered to use a metered fire hydrant to fill a pond, so prohibiting that may need to be added to the language as well.

Thank you,



Odalys C. Johnson PE
Senior Project Manager I

Email: ojohnson@quiddity.com
T: (512) 685-5123

From: Rick Schroder <rschroder@johnsoncitytx.org>
Sent: Friday, October 28, 2022 2:35 PM
To: Odalys C. Johnson PE <ojohnson@quiddity.com>; Travis Kaatz <tkaatz@civil-edge.com>
Cc: Elizabeth Elleson <cityattorney@johnsoncitytx.org>
Subject: Floodplain Regulation and Management Ordinances

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Odalys / Travis / Liz –

The Planning and Zoning Commission recommended approval of the proposed floodplain regulation and management ordinances on Tuesday of this week, with the following condition:

1. **City Staff confer with the Floodplain Administrator, City Engineer, and City Attorney to include language that would prohibit the use of groundwater for wet bottom detention ponds or would prohibit the construction of wet bottom detention ponds outright.**

Odalys / Travis – can you please review the proposed amendments and advise where said prohibition makes the most sense?

Thank you,



Rick A. Schroder
Chief Administrative Officer
303 E. Pecan Dr. (Physical) | P.O. Box 369 (Mailing) | Johnson City, Texas 78636
(830) 868-7111, Ext. 8 | (830) 868-7718 (Fax) | www.johnsoncitytx.org
Yesterday is not ours to recover, but tomorrow is ours to win or lose. – President LBJ

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CITY OF JOHNSON CITY

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 2.8 OF CHAPTER 10
SUBDIVISION REGULATION, ARTICLE 10.02 SUBDIVISION
ORDINANCE OF THE CITY OF JOHNSON CITY CODE OF
ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE**

RECITALS

WHEREAS, the City Council of the City of Johnson City ("City") on February 4, 2022, revised and enacted Article 10.02 Subdivision Ordinance in Chapter 10 Subdivision Regulation of the City's Code of Ordinances; and

WHEREAS, the City Council desires to update and amend Section 2.8 Plat Application Packet Requirements for flood stormwater management; and

WHEREAS, pursuant to Texas Local Government Code Chapter 212, the City may adopt rules governing plats and the subdivision of land within its jurisdiction to promote the health, safety, standards, and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Johnson City:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. AMENDMENT, ADOPTION AND ENACTMENT

The City Council of the City of Johnson City hereby amends and enacts the amendments to Section 2.8 Plat Application Packet Requirements of Article 10.02 Subdivision Ordinance in Chapter 10 Subdivision Regulation, as depicted below and incorporated fully herein for all intents and purposes. Section 2.8 is hereby revised with strikethroughs constituting deleted text and underlines as new text or format corrections, to read as follows:

Sec. 2.8 Plat Application Packet Requirements

...

(b) *Plat Information.* The plat application shall be submitted on a form provided by the City and shall contain the following information:

...

(7) If the project impacts the Federal Emergency Management Agency (FEMA) regulatory floodplain or floodplain determined by a flood study in accordance

with the City Design Standards, documentation demonstrating compliance with the City's Flood Damage Prevention Ordinance, as amended;

...

(c) *Plat Drawing*. A required plat drawing shall contain the following:

...

(2) *Content*. The plat drawing shall contain the following information:

...

(xvii) If applicable, all physical features of the property, including:

...

(B) 100-year floodplain, ~~according to FEMA information;~~

...

ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and approval.

PASSED AND APPROVED this, the _____ day of _____, 2022, by a majority vote of the City Council of Johnson City, Texas.

CITY OF JOHNSON CITY, TEXAS

Rhonda Stell, Mayor

Attest:

Whitney Walston
City Secretary

CITY OF JOHNSON CITY

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE 10.03 STORMWATER
DETENTION AND DRAINAGE OF CHAPTER 10 SUBDIVISION
REGULATION OF THE CITY OF JOHNSON CITY CODE OF
ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE**

RECITALS

WHEREAS, the City Council of the City of Johnson City ("City") on January 4th, 2022 enacted Article 10.03 Stormwater Detention and Drainage of Chapter 10 Subdivision Regulation providing regulations for stormwater detention and drainage applicable to subdivision development; and

WHEREAS, the City Council desires to update Article 10.03 for additional compliance with national standards for stormwater detention and distribution; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Johnson City:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. AMENDMENT, ADOPTION AND ENACTMENT

The City Council of the City of Johnson City hereby adopts and enacts the amendments to *Article 10.03 Stormwater Detention and Drainage*, as depicted in "Attachment A" attached hereto and incorporated fully herein for all intents and purposes, with strikethroughs constituting deleted text and underlines as new text or format corrections, and to read as contained in the unmarked attachment therein.

ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and approval.

PASSED AND APPROVED this, the _____ day of _____, 2022,

by a majority vote of the City Council of Johnson City, Texas.

CITY OF JOHNSON CITY, TEXAS

Rhonda Stell, Mayor

Attest:

Whitney Walston
City Secretary

CITY OF JOHNSON CITY CODE OF ORDINANCES
CHAPTER 10. SUBDIVISION REGULATION
ARTICLE 10.03 STORMWATER DETENTION AND DRAINAGE

Sec. 10.03.001 Purpose

The purpose of this Article is to provide adequate measures for the detention and distribution of stormwater in a manner that minimizes the possibility of stormwater flooding or the adverse impact to water quality during and after subdivision development.

Sec. 10.03.002 Scope

(a) *Applicability.* This Article shall apply to any application for the approval of a subdivision plat, a subdivision replat, a master development plan, a building permit, a change in zoning, a zoning variance, or the redevelopment of property within the City's corporate limits or extraterritorial jurisdiction.

(b) *Exceptions.* Lots individually platted and developed for single family use shall be exempt from the requirements of this Article, unless the lot is located wholly or partially within a floodplain and must present evidence of compliance with Article 3.04.

Sec. 10.03.003 Drainage Facilities

(a) *New development.* Peak stormwater runoff rates for all new development shall be less than or equal to the peak runoff rates from the site's pre-development conditions for the 5-, 25-, and 100-year design storm events.

(b) *Redevelopment.* Peak stormwater runoff rates from an area of redevelopment shall be less than or equal to the peak runoff rates produced by existing development conditions for the 5-, 25-, and 100-year design storm events.

(c) *Stormwater detention.* Stormwater detention shall be required for all new developments or redevelopment of individual parcels of property to mitigate peak flow rates to pre-development or existing development conditions as stated in subsections (a) and (b) above. The maximum allowable out-flow rate from the detention facility must be restricted to the flow rate for the undeveloped or existing development tract for the 5-, 25-, and 100-year frequency.

(d) *Easements.* Easements or rights-of-way shall be dedicated by the owner of the property to be developed to the public for the purpose of containing all drainage facilities, open or enclosed, and all stormwater flows to the limits of the one-hundred-year floodplain as determined in accordance with the City's Design Standards. No easement or right-of-way for such purposes shall be less than fifteen (15) feet wider than channel top width for open drainage systems or fifteen (15) feet for enclosed drainage systems. Additional easements or right-of-way shall be

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provided as necessary to allow continuous access for operation, maintenance, and rehabilitation of all drainage facilities.

Sec. 10.03.004 Design Standards and Regulations

(a) *Design.* The design and construction of all drainage facilities and improvements shall be in accordance with the City's Design Standards and shall include provisions for maintenance and protection from erosion. Calculations and plans of the drainage area in pre-development, existing development, or ultimate development shall be submitted, for review and approval by the City Engineer, as required in Section 10.03.003. The difference in runoff quantities and the flow rates shall be managed by an onsite storm detention system. The detention system shall be designed to release stormwater at a rate not to exceed that of the pre-development or existing development rate. The design of the detention "reservoir" shall preclude any pooling of water or result in additional identifiable adverse flooding within the subdivision or to other properties.

(b) *Obstructions to waterways generally.* Except as authorized by an approved site plan, no person shall place or cause placement of any obstruction of any kind in any waterway within the city. The owner, agent, lessor, or other person in control of any property within the city, through which any waterway may pass, shall keep the waterway free from any obstruction not authorized by a site plan; and any pool of standing water which is formed in any waterway within the City on account of any unauthorized obstruction shall be deemed and same is hereby defined to be a nuisance.

(c) *Floodplain Encroachments.* Encroachments are prohibited, including fill, new construction, substantial improvements, and other developments, unless certification by a licensed professional engineer is provided demonstrating that encroachments shall not result in any adverse impacts.

(d) *Approval.* The drainage system design must be reviewed for acceptability and approved by the City Engineer, who then shall make a recommendation to the City Council, and it shall be approved by the City Council before any improvements may be made within the proposed subdivision.

(e) *Maintenance.* The drainage system must be maintained in a safe and sanitary manner in accordance with its approved design.

Sec. 10.03.005 Drainage studies and floodplain delineations

(a) *Drainage Study Required.* The owner of property to be developed may be required by the City to provide, at the owner's expense and as a condition for all items listed under Sec 10.03.002, a drainage study for the total area to be ultimately developed. The study shall be in accordance with the City Design Standards, and shall be submitted to the City for approval prior to the acceptance for review of any construction plans for any portion of the development.

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(b) *Floodplain delineations shown.* If any portion of a proposed development is included within a floodplain or floodway delineation accepted or recognized by the City, such delineation shall be clearly shown on all items listed under Sec. 10.03.002 submitted for approval.

(c) *Floodplain delineations required.* The City shall designate and maintain official floodplain maps. In any case in which official floodplain maps are not available, the owner of property to be developed shall designate the boundaries of the one-hundred-year floodplain in accordance with the City Design Standards and shall clearly show such on all items listed under Sec. 10.03.002 submitted for approval.

Sec. 10.03.006 Definitions

For the purposes of this Article, a "person" is an individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind, including commercial or residential subdivision development.

Sec. 10.03.007 Fee in Lieu of Detention

(a) *Fee in Lieu.* The City may, at its sole discretion, accept a fee in lieu of detention. Fees in lieu of detention are established by the Master Fee Schedule, as amended.

(b) *Permit application and fee.*

- (1) A person shall submit to the City an application requesting a fee in lieu of detention.
- (2) The application shall be accompanied by payment of a nonrefundable fee set by the Master Fee Schedule.
- (3) All fees in lieu of detention collected will be used for regional detention basins or drainage improvements within the City.

Sec. 10.03.008 Violation and Enforcement

(a) *Violation declared.* It shall be unlawful for any person to violate any term or provision of this Article. The City shall have the power to administer and enforce the provisions of this Article.

(b) *Criminal offense.*

- (1) A person who violates a provision of this Article commits a misdemeanor.
- (2) A fine for a violation may not exceed \$500.
- (3) Each day of the violation shall constitute a separate offense.
- (4) The penalties in this Section shall be cumulative and are not exclusive of any other rights or remedies the City may have or pursue.

(c) *Civil action.*

- (1) Any condition caused or permitted to exist in violation of any provision of this Article constitutes a public nuisance.
- (2) A person who violates a provision of this Article is subject to a civil fine or injunction.

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- (3) The City may file suit in district court to enjoin the violation or threatened violation of this Article by a person.
- (4) Prior to taking civil action, the City shall notify the violator of the provisions of the Article that are being or have been violated.
- (5) The City may seek to recover damages from the violator in an amount adequate for the City to undertake activity necessary to bring compliance with this Article.
- (6) A person who violates a provision of this Article is subject to a civil penalty up to \$1,000.00 and not less than \$250.00 per day per violation.
- (7) The remedies in this Section shall be in addition to the penalties described above.

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(d) *Administrative enforcement.*

- (1) The CAO or designee may issue a Stop Work Order to immediately halt work on a property at which a violation is occurring or has occurred.
- (2) The CAO or designee may withhold or revoke site plan approval, building permits, occupancy permits, or any other appropriate approvals necessary to continue development on a property at which a violation is occurring or has occurred.
- (3) An applicant may appeal an order to the City Council who shall issue a decision without unreasonable or unnecessary delay. The decision of the City Council shall be final.

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(e) *Right of entry.* The CAO or designee shall have the authority to enter upon the property premises of an applicant within the City or its ETJ for the purpose of enforcing the provisions of this Article.

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(f) *Legal fees and costs.* In any civil or criminal action, the City shall be entitled to recover from the defendant reasonable attorney's fees, costs of suit, and any other costs of enforcement.

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**CITY OF JOHNSON CITY CODE OF ORDINANCES
CHAPTER 10. SUBDIVISION REGULATION
ARTICLE 10.03 STORMWATER DETENTION AND DRAINAGE**

Sec. 10.03.001 Purpose

The purpose of this Article is to provide adequate measures for the detention and distribution of stormwater in a manner that minimizes the possibility of stormwater flooding or the adverse impact to water quality during and after subdivision development.

Sec. 10.03.002 Scope

- (a) *Applicability.* This Article shall apply to any application for the approval of a subdivision plat, a subdivision replat, a master development plan, a building permit, a change in zoning, a zoning variance, or the redevelopment of property within the City's corporate limits or extraterritorial jurisdiction.
- (b) *Exceptions.* Lots individually platted and developed for single family use shall be exempt from the requirements of this Article, unless the lot is located wholly or partially within a floodplain and must present evidence of compliance with Article 3.04.

Sec. 10.03.003 Drainage Facilities

- (a) *New development.* Peak stormwater runoff rates for all new development shall be less than or equal to the peak runoff rates from the site's pre-development conditions for the 5-, 25-, and 100-year design storm events.
- (b) *Redevelopment.* Peak stormwater runoff rates from an area of redevelopment shall be less than or equal to the peak runoff rates produced by existing development conditions for the 5-, 25-, and 100-year design storm events.
- (c) *Stormwater detention.* Stormwater detention shall be required for all new developments or redevelopment of individual parcels of property to mitigate peak flow rates to pre-development or existing development conditions as stated in subsections (a) and (b) above. The maximum allowable out-flow rate from the detention facility must be restricted to the flow rate for the undeveloped or existing development tract for the 5-, 25-, and 100-year frequency.
- (d) *Easements.* Easements or rights-of-way shall be dedicated by the owner of the property to be developed to the public for the purpose of containing all drainage facilities, open or enclosed, and all stormwater flows to the limits of the one-hundred-year floodplain as determined in accordance with the City's Design Standards. No easement or right-of-way for such purposes shall be less than fifteen (15) feet wider than channel top width for open drainage systems or

fifteen (15) feet for enclosed drainage systems. Additional easements or right-of-way shall be provided as necessary to allow continuous access for operation, maintenance, and rehabilitation of all drainage facilities.

Sec. 10.03.004 Design Standards and Regulations

- (a) *Design.* The design and construction of all drainage facilities and improvements shall be in accordance with the City's Design Standards and shall include provisions for maintenance and protection from erosion. Calculations and plans of the drainage area in pre-development, existing development, or ultimate development shall be submitted, for review and approval by the City Engineer, as required in Section 10.03.003. The difference in runoff quantities and the flow rates shall be managed by an onsite storm detention system. The detention system shall be designed to release stormwater at a rate not to exceed that of the pre-development or existing development rate. The design of the detention "reservoir" shall preclude any pooling of water or result in additional identifiable adverse flooding within the subdivision or to other properties.
- (b) *Obstructions to waterways generally.* Except as authorized by an approved site plan, no person shall place or cause placement of any obstruction of any kind in any waterway within the city. The owner, agent, lessor, or other person in control of any property within the city, through which any waterway may pass, shall keep the waterway free from any obstruction not authorized by a site plan; and any pool of standing water which is formed in any waterway within the City on account of any unauthorized obstruction shall be deemed and same is hereby defined to be a nuisance.
- (c) *Floodplain Encroachments.* Encroachments are prohibited, including fill, new construction, substantial improvements, and other developments, unless certification by a licensed professional engineer is provided demonstrating that encroachments shall not result in any adverse impacts.
- (d) *Approval.* The drainage system design must be reviewed for acceptability and approved by the City Engineer, who then shall make a recommendation to the City Council, and it shall be approved by the City Council before any improvements may be made within the proposed subdivision.
- (e) *Maintenance.* The drainage system must be maintained in a safe and sanitary manner in accordance with its approved design.

Sec. 10.03.005 Drainage studies and floodplain delineations

- (a) *Drainage Study Required.* The owner of property to be developed may be required by the City to provide, at the owner's expense and as a condition for all items listed under Sec 10.03.002, a drainage study for the total area to be ultimately developed. The study shall be in accordance with the City Design Standards, and shall be submitted to the City for approval prior to the acceptance for review of any construction plans for any portion of the development.

(b) *Floodplain delineations shown.* If any portion of a proposed development is included within a floodplain or floodway delineation accepted or recognized by the City, such delineation shall be clearly shown on all items listed under Sec 10.03.002 submitted for approval.

(c) *Floodplain delineations required.* The City shall designate and maintain official floodplain maps. In any case in which official floodplain maps are not available, the owner of property to be developed shall designate the boundaries of the one-hundred-year floodplain in accordance with the City Design Standards and shall clearly show such on all items listed under Sec 10.03.002 submitted for approval.

Sec. 10.03.006 Definitions

For the purposes of this Article, a “person” is an individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind, including commercial or residential subdivision development.

Sec. 10.03.007 Fee in Lieu of Detention

(a) *Fee in Lieu.* The City may, at its sole discretion, accept a fee in lieu of detention. Fees in lieu of detention are established by the Master Fee Schedule, as amended.

(b) *Permit application and fee.*

- (1) A person shall submit to the City an application requesting a fee in lieu of detention.
- (2) The application shall be accompanied by payment of a nonrefundable fee set by the Master Fee Schedule.
- (3) All fees in lieu of detention collected will be used for regional detention basins or drainage improvements within the City.

Sec. 10.03.008 Violation and Enforcement

(a) *Violation declared.* It shall be unlawful for any person to violate any term or provision of this Article. The City shall have the power to administer and enforce the provisions of this Article.

(b) *Criminal offense.*

- (1) A person who violates a provision of this Article commits a misdemeanor.
- (2) A fine for a violation may not exceed \$500.
- (3) Each day of the violation shall constitute a separate offense.
- (4) The penalties in this Section shall be cumulative and are not exclusive of any other rights or remedies the City may have or pursue.

(c) *Civil action.*

- (1) Any condition caused or permitted to exist in violation of any provision of this Article constitutes a public nuisance.
- (2) A person who violates a provision of this Article is subject to a civil fine or injunction.

- (3) The City may file suit in district court to enjoin the violation or threatened violation of this Article by a person.
 - (4) Prior to taking civil action, the City shall notify the violator of the provisions of the Article that are being or have been violated.
 - (5) The City may seek to recover damages from the violator in an amount adequate for the City to undertake activity necessary to bring compliance with this Article.
 - (6) A person who violates a provision of this Article is subject to a civil penalty up to \$1,000.00 and not less than \$250.00 per day per violation.
 - (7) The remedies in this Section shall be in addition to the penalties described above.
- (d) *Administrative enforcement.*
- (1) The CAO or designee may issue a Stop Work Order to immediately halt work on a property at which a violation is occurring or has occurred.
 - (2) The CAO or designee may withhold or revoke site plan approval, building permits, occupancy permits, or any other appropriate approvals necessary to continue development on a property at which a violation is occurring or has occurred.
 - (3) An applicant may appeal an order to the City Council who shall issue a decision without unreasonable or unnecessary delay. The decision of the City Council shall be final.
- (e) *Right of entry.* The CAO or designee shall have the authority to enter upon the property premises of an applicant within the City or its ETJ for the purpose of enforcing the provisions of this Article.
- (f) *Legal fees and costs.* In any civil or criminal action, the City shall be entitled to recover from the defendant reasonable attorney's fees, costs of suit, and any other costs of enforcement.

CITY OF JOHNSON CITY

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX B: DESIGN STANDARDS AND SPECIFICATIONS MANUAL OF CHAPTER 10 SUBDIVISION REGULATION, ARTICLE 10.02 SUBDIVISION ORDINANCE OF THE CITY OF JOHNSON CITY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE

RECITALS

WHEREAS, the City Council of the City of Johnson City ("City") on February 2, 2021 enacted the Design Standards and Specifications Manual ("Design Manual") of Chapter 10 Subdivision Regulation to provide for the orderly, safe, healthy, and uniform development of a subdivision within the City limits and its extraterritorial jurisdiction; and

WHEREAS, the City Council incorporated the Design Manual as Appendix B into revised Article 10.02 Subdivision Ordinance in Chapter 10 Subdivision Regulation revised and adopted on January 4, 2022; and

WHEREAS, the City Council desires to update and amend Section 3 Storm Drainage Facilities of the Design Manual for additional and secure compliance with national standards for stormwater detention and distribution; and

WHEREAS, pursuant to Texas Local Government Code Chapter 212, the City may adopt rules governing plats and the subdivision of land within its jurisdiction to promote the health, safety, standards, and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Johnson City:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. AMENDMENT, ADOPTION AND ENACTMENT

The City Council of the City of Johnson City hereby adopts and enacts the amendments to Section 3 Storm Drainage Facilities, and Section 4 Vegetation in *Appendix B. Design Standards and Specifications Manual* of Article 10.02 Subdivision Ordinance in Chapter 10 Subdivision Regulation, as depicted in "Attachment A" attached hereto and incorporated fully herein for all intents and purposes, with strikethroughs constituting deleted text and underlines as new text or format corrections, and to read as contained therein in the unmarked attachment.

ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and approval.

PASSED AND APPROVED this, the _____ day of _____, 2022,
by a majority vote of the City Council of Johnson City, Texas.

CITY OF JOHNSON CITY, TEXAS

Rhonda Stell, Mayor

Attest:

Whitney Walston
City Secretary

CITY OF JOHNSON CITY CODE OF ORDINANCES

CHAPTER 10. SUBDIVISION REGULATION

Appendix B. Design Standards and Specifications Manual

Revisions to

Section 3 Storm Drainage Facilities

Section 4 Vegetation

Section 3 STORM DRAINAGE FACILITIES

Introduction

Drainage facilities shall be designed and constructed at such locations and of such size and dimensions to adequately serve the development and the contributing drainage area above the development, as well as the affected areas downstream. The developer shall provide all the necessary easements and rights-of way required for drainage structures including storm drains and open channels, lined or unlined. Easement widths for storm drain pipelines shall not be less than fifteen (15) feet, and easement widths for open channels shall be at least fifteen (15) feet wider than the top width of the channel. In all cases, easements shall be of an adequate size to allow proper maintenance.

The design, size, type and location of all storm drainage facilities shall be subject to the review of the City's Engineer and acceptance by the City. The requirements set forth herein are considered minimum requirements. The developer and the developer's engineer shall bear the total responsibility for the adequacy of design. The review by the City's Engineer and/or acceptance of the facilities by the City in no way relieves the developer of this responsibility.

Storm drainage released from the site will be discharged to a natural water course or storm sewer system of an adequate size to convey the 100-year storm runoff expected after development.

Detention ponds shall be designed for the 2-year and 100-year storm event.

3.1 Storm Drainage Design Criteria

- A. General. Design and analysis of all storm drainage facilities shall be in accordance with these guidelines and the City of Plano's current Storm Drainage Design Manual shall be used for storm drainage calculations. Where conflicts between these guidelines and the City of Plano's current Storm Drainage Design Manual exist, these guidelines shall govern. Where conflicts between the City of Johnson City's Code of Ordinances and the City of Plano's current Storm Drainage Design Manual exist, the City of Johnson City's Code of Ordinances shall govern. Drainage area calculations, storm pipe calculations, and inlet capacity calculations are required with engineering plan submittals, at a minimum. Additional information may be required by the City.
- B. Storm Pipe Size. The minimum size storm sewer line shall be eighteen (18) inches.
- C. Storm Pipe Material. RCP shall be used for all stormwater applications, no plastic pipe will be permitted in the fire lane.
- ~~D. 100 Year Flood Zones. Where the Federal Emergency Administration (FEMA) has defined a flood hazard area with regard to a drainage course, the flood hazard zone and the floodplain and floodway, if available, shall be shown on the plat and drainage area map. Any development proposed within a floodplain shall complete a flood study to determine that the proposed development meets the City's current floodplain management ordinance and will not be detrimental to any other property.~~
- E-D. Floodplain. The 100-year existing conditions floodplain limits shall be determined for non-FEMA all water courses with a contributing drainage area of 100-acres or greater creeks or streams (flowing or not) within a subdivision in accordance with Section 3.3. In addition to defining the limits of the floodplain, the floodplain study must demonstrate the development will not be detrimental to any other property.
- F.E. Access. Storm drainage facilities shall include all elements of a drainage system consisting of streets, alleys, storm drains, channels, culverts, bridges, swales and any other facility through which or over which storm water flows, all of which the City must have a right in, either in the form of a dedicated right-of-way, floodway or drainage easements.

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G-F. Storm Drainage Management Plan All new subdivisions shall provide as part of the subdivision review process a complete storm drainage management plan. This plan will include, but not be limited to, the following: a complete review of all on-site, upstream and downstream drainage within the impacted watershed, determine all on-site and downstream drainage facility improvements due to the increased runoff from the proposed development and future upstream and downstream

developments, and shall contain calculations necessary to determine compliance with the Standards of Design herein. The plan shall be done, using current zoning conditions or land use prescribed by the City's Land Use Plan (whichever creates the greatest storm water runoff), with maximum development considered throughout the watershed. The storm drainage plan shall show all necessary improvements with flow data provided at each point of interception of water. As part of the storm drainage plan, the developer shall show a lot grading plan to direct all water to proper intersection points avoiding cross flow of water from lot to lot. All upstream discharge shall be intercepted and carried through the proper intersection points avoiding cross flow of water from lot to lot. All upstream discharge shall be intercepted and carried through the proposed development in compliance with the Standards of Design herein. All discharge from the proposed development shall be designed in accordance with the Standards of Design herein with all necessary improvements being installed by the developer to protect downstream property from damage. The determination of necessary improvements to existing drainage facilities downstream of a proposed development shall be reviewed by the City's Engineer for compliance and adequacy. Include recessed curb inlets for all streets that are not residential streets.

H-G Storm Water Pollution Prevention Plan. The developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), in compliance with all TCEQ and NPDES regulations, for each project. A copy of the SWPPP and Notice of Intent (NOI) shall be on file at the City prior to the issuance of a building permit.

H-H Exemptions. At the City's discretion, alternative storm sewer design criteria and calculations may be considered for special or unique development cases. The alternative design criteria to be considered by the City, on a case-by-case basis, and storm drainage design criteria shall be approved by City Council.

3.2 Hydrology

A. Hydrograph Method (HEC-HMS)

The hydrograph method is required for all drainage areas in excess of 200-acres, floodplain studies, and final detention sizing.

1) Design Rainfall:

Depth-Duration-Frequency (DDF) data at each project location should be determined from NOAA's Precipitation Frequency Data Server (PFDS) which reflects the NOAA Atlas 14 data.

Data Description: Data type "Precipitation Depth" with "English" units and "Annual maximum" time series type should be selected at the top of the PFDS prior to selecting point location.

Point Location: Engineers will need to use judgement when selecting an appropriate point to establish depth values. Consideration should be taken when depth values vary across a watershed or project area. The location of the selected depth values and a brief explanation of the selected point should be included in the drainage report. If the majority of the contributing watershed is located within City limits or the City ETJ, the DDF values at the Johnson City (41-4605) station may be used.

2) Frequency Storm:

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The 24-hour frequency storm distribution should be used for all hydrograph method analyses in HEC-HMS. Meteorological model parameters should be set as follows:

Annual-Partial Conversion: None

Storm Duration: 1 Day

Intensity Duration: 5 Minutes

Intensity Position: 50 Percent

Area Reduction: None (if area exceeds 10 square miles use areal reduction)

- 3) Control Specifications: Selection of an appropriate time interval is critical to the accuracy and performance of the HEC-HMS model. An appropriate time interval is related to the time of concentration of the watershed as shown in.

$$\Delta t = \frac{1}{5}t_c \text{ OR } \Delta t = \frac{1}{6}t_c$$

Where: Δt = time interval,
 t_c = time of concentration

3.3 Floodplain Delineation, Studies, and Easement Dedication Requirements

A separate and detailed floodplain study prepared by a licensed professional engineer for all water courses meeting the conditions a floodplain recognized by the City, shall be submitted to provide theoretical verification of the maximum floodwater elevations that may be expected so that the potential effect on subdivision lots may be evaluated.

A. Floodplain Studies

- 1) Floodplain studies shall be prepared in accordance with the City of Plano Stormwater Design Manual and these guidelines. Where conflicts exist, these guidelines shall govern.
- 2) Hydrology for floodplain studies shall be developed using the United States Army Corps of Engineers (USACE) Hydrologic Engineering Center Hydrologic Modeling System (HEC-HMS).
- 3) Hydraulics for floodplain studies shall be developed using the USACE Hydrologic Engineering Center River Analysis System (HEC-RAS).
- 4) Floodplain studies should follow FEMA standards and, at a minimum, include the items in the Floodplain Study Checklist in Attachment XX.

B. Floodplains

- 1) Floodplains shall be delineated for each watercourse with a contributing drainage area of 100-acres or greater. For a watercourse with less than 100-acres of contributing area, a floodplain is not required to be delineated unless the area is already defined as floodplain by FEMA.
- 2) Floodplains shall be delineated assuming "existing" land use conditions in the contributing watershed.

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C. FEMA Floodplains

- 1) Special flood hazard areas (SFHZ) defined on the FEMA FIRM's depict floodplain boundaries at the time of study, based on "existing" development conditions within the watershed. Analysis for FEMA submittals will require "existing" land use conditions in the contributing watershed.
- 2) Where a subdivision or development proposes to modify the limits of the FEMA floodplain, the City will require the applicant submit CLOMR and LOMR applications to FEMA. As the local floodplain administrator, the City must review and acknowledge certain CLOMR and LOMR requests.
- 3) The applicant shall bear the cost of engineering services required to develop the application, respond to review comments, and obtain final approval of CLOMRs and LOMRs. The applicant shall bear the cost of any fees associated with review and disposition of LOMCs and CLOMCs that are established by FEMA.
- 4) Where a CLOMR is required, the applicant must provide evidence of CLOMR approval from FEMA prior to issuance of a City Floodplain permit.

D. Floodplain Easements

Floodplain easements shall be defined by the 100-year floodplain or the 100-year floodplain depicted on the FEMA Flood Insurance Rate Map (FIRM), whichever is greater.

Section 4 VEGETATION

4.1 General

All seeding, sodding and fertilizer requirements are to be completed in accordance with the Capital Area Council of Governments (CAPNCTCOG) Standards and Specifications and as modified by the City of Johnson City, herein.

Block sod may be utilized for erosion control. Block sod shall be growing grass sod of the type specified in the plans. Sod shall have a healthy and dense root system, be stored and maintained in a moist condition from the time of harvest until planted and be free from noxious weeds.

Seed shall be from previous season's crop meeting the Texas Seed Law, including testing and labeling for pure live seed (PLS = Purity x Germination). Furnish seed of designated species, in labeled unopened bags or containers for inspection by the City's Public Works Department. Seed shall be used within 12-months from the date of the season harvested. When Buffalo grass is utilized, use seed that is treated with Potassium Nitrate to overcome dormancy.

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Section 3 STORM DRAINAGE FACILITIES

Introduction

Drainage facilities shall be designed and constructed at such locations and of such size and dimensions to adequately serve the development and the contributing drainage area above the development, as well as the affected areas downstream. The developer shall provide all the necessary easements and rights-of way required for drainage structures including storm drains and open channels, lined or unlined. Easement widths for storm drain pipelines shall not be less than fifteen (15) feet, and easement widths for open channels shall be at least fifteen (15) feet wider than the top width of the channel. In all cases, easements shall be of an adequate size to allow proper maintenance.

The design, size, type and location of all storm drainage facilities shall be subject to the review of the City's Engineer and acceptance by the City. The requirements set forth herein are considered minimum requirements. The developer and the developer's engineer shall bear the total responsibility for the adequacy of design. The review by the City's Engineer and/or acceptance of the facilities by the City in no way relieves the developer of this responsibility.

Storm drainage released from the site will be discharged to a natural water course or storm sewer system of an adequate size to convey the 100-year storm runoff expected after development.

Detention ponds shall be designed for the 2-year and 100-year storm event.

3.1 Storm Drainage Design Criteria

- A. General: Design and analysis of all storm drainage facilities shall be in accordance with these guidelines and the City of Plano's current Storm Drainage Design Manual. Where conflicts between these guidelines and the City of Plano's current Storm Drainage Design Manual exist, these guidelines shall govern. Where conflicts between the City of Johnson City's Code of Ordinances and the City of Plano's current Storm Drainage Design Manual exist, the City of Johnson City's Code of Ordinances shall govern. Drainage area calculations, storm pipe calculations, and inlet capacity calculations are required with engineering plan submittals, at a minimum. Additional information may be required by the City.
- B. Storm Pipe Size: The minimum size storm sewer line shall be eighteen (18) inches.
- C. Storm Pipe Material: RCP shall be used for all stormwater applications; no plastic pipe will be permitted in the fire lane.
- D. Floodplain: The 100-year existing conditions floodplain limits shall be determined for all water courses with a contributing drainage area of 100-acres or greater within a subdivision in accordance with Section 3.3. In addition to defining the limits of the floodplain, the floodplain study must demonstrate the development will not be detrimental to any other property.
- E. Access: Storm drainage facilities shall include all elements of a drainage system consisting of streets, alleys, storm drains, channels, culverts, bridges, swales and any other facility through which or over which storm water flows, all of which the City must have a right in, either in the form of a dedicated right-of-way, floodway or drainage easements.
- F. Storm Drainage Management Plan: All new subdivisions shall provide as part of the subdivision review process a complete storm drainage management plan. This plan will include, but not be limited to, the following: a complete review of all on- site, upstream and downstream drainage within the impacted watershed; determine all on-site and downstream drainage facility improvements due to the increased runoff from

the proposed development and future upstream and downstream developments; and shall contain calculations necessary to determine compliance with the Standards of Design herein. The plan shall be done, using current zoning conditions or land use prescribed by the **City's Land Use Plan** (whichever creates the greatest storm water runoff), with maximum development considered throughout the watershed. The storm drainage plan shall show all necessary improvements with flow data provided at each point of interception of water. As part of the storm drainage plan, the developer shall show a lot grading plan to direct all water to proper intersection points avoiding cross flow of water from lot to lot. All upstream discharge shall be intercepted and carried through the proper intersection points avoiding cross flow of water from lot to lot. All upstream discharge shall be intercepted and carried through the proposed development in compliance with the Standards of Design herein. All discharge from the proposed development shall be designed in accordance with the Standards of Design herein with all necessary improvements being installed by the developer to protect downstream property from damage. The determination of necessary improvements to existing drainage facilities downstream of a proposed development shall be reviewed by the City's Engineer for compliance and adequacy. Include recessed curb inlets for all streets that are not residential streets.

- G. Storm Water Pollution Prevention Plan: The developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), in compliance with all TCEQ and NPDES regulations, for each project. A copy of the SWPPP and Notice of Intent (NOI) shall be on file at the City prior to the issuance of a building permit.
- H. Exemptions: At the City's discretion, alternative storm sewer design criteria and calculations may be considered for special or unique development cases. The alternative design criteria to be considered by the City, on a case-by-case basis, and storm drainage design criteria shall be approved by City Council.

3.2 Hydrology

A. Hydrograph Method (HEC-HMS)

The hydrograph method is required for all drainage areas in excess of 200-acres, floodplain studies, and final detention sizing.

1) Design Rainfall:

Depth-Duration-Frequency (DDF) data at each project location should be determined from NOAA's Precipitation Frequency Data Server ([PFDS](#)) which reflects the NOAA Atlas 14 data.

Data Description: Data type "Precipitation Depth" with "English" units and "Annual maximum" time series type should be selected at the top of the PFDS prior to selecting point location.

Point Location: Engineers will need to use judgement when selecting an appropriate point to establish depth values. Consideration should be taken when depth values vary across a watershed or project area. The location of the selected depth values and a brief explanation of the selected point should be included in the drainage report. If the majority of the contributing watershed is located within City limits or the City ETJ, the DDF values at the Johnson City (41-4605) station may be used.

2) Frequency Storm:

The 24-hour frequency storm distribution should be used for all hydrograph method analyses in HEC-HMS. Meteorological model parameters should be set as follows:

Annual-Partial Conversion: None

Storm Duration: 1 Day

Intensity Duration: 5 Minutes

Intensity Position: 50 Percent

Area Reduction: None (if area exceeds 10 square miles use areal reduction)

- 3) Control Specifications: Selection of an appropriate time interval is critical to the accuracy and performance of the HEC-HMS model. An appropriate time interval is related to the time of concentration of the watershed as shown in

$$\Delta t = \frac{1}{5}t_c \text{ OR } \Delta t = \frac{1}{6}t_c$$

Where: Δt = time interval
 t_c = time of concentration

3.3 Floodplain Delineation, Studies, and Easement Dedication Requirements

A separate and detailed floodplain study prepared by a licensed professional engineer for all water courses meeting the conditions a floodplain recognized by the City, shall be submitted to provide theoretical verification of the maximum floodwater elevations that may be expected so that the potential effect on subdivision lots may be evaluated.

A. Floodplain Studies:

- 1) Floodplain studies shall be prepared in accordance with the City of Plano Stormwater Design Manual and these guidelines. Where conflicts exist, these guidelines shall govern.
- 2) Hydrology for floodplain studies shall be developed using the United States Army Corps of Engineers (USACE) Hydrologic Engineering Center Hydrologic Modeling System (HEC-HMS).
- 3) Hydraulics for floodplain studies shall be developed using the USACE Hydrologic Engineering Center River Analysis System (HEC-RAS).
- 4) Floodplain studies should follow FEMA standards and, at a minimum, include the items in the Floodplain Study Checklist.

B. Floodplains

- 1) Floodplains shall be delineated for each watercourse with a contributing drainage area of 100-acres or greater. For a watercourse with less than 100-acres of contributing area, a floodplain is not required to be delineated unless the area is already defined as floodplain by FEMA.
- 2) Floodplains shall be delineated assuming "existing" land use conditions in the contributing watershed.

C. FEMA Floodplains

- 1) Special flood hazard areas (SFHZ) defined on the FEMA FIRM's depict floodplain boundaries at the time of study, based on "existing" development conditions within the watershed. Analysis for FEMA submittals will require "existing" land use conditions in the contributing watershed.
- 2) Where a subdivision or development proposes to modify the limits of the FEMA floodplain, the City will require the applicant submit CLOMR and LOMR applications to FEMA. As the local floodplain administrator, the City must review and acknowledge certain CLOMR and LOMR requests.
- 3) The applicant shall bear the cost of engineering services required to develop the application, respond to review comments, and obtain final approval of CLOMRs and LOMRs. The applicant shall bear the cost of any fees associated with review and disposition of LOMCs and CLOMCs that are established by FEMA.
- 4) Where a CLOMR is required, the applicant must provide evidence of CLOMR approval from FEMA prior to issuance of a City Floodplain permit.

D. Floodplain Easements

Floodplain easements shall be defined by the 100-year floodplain or the 100-year floodplain depicted on the FEMA Flood Insurance Rate Map (FIRM), whichever is greater.

Section 4 VEGETATION

4.1 General

All seeding, sodding and fertilizer requirements are to be completed in accordance with the Capital Area Council of Governments (CAPCOG) Standards and Specifications and as modified by the City of Johnson City, herein.

Block sod may be utilized for erosion control. Block sod shall be growing grass sod of the type specified in the plans. Sod shall have a healthy and dense root system, be stored and maintained in a moist condition from the time of harvest until planted and be free from noxious weeds.

Seed shall be from previous season's crop meeting the Texas Seed Law, including testing and labeling for pure live seed (PLS = Purity x Germination). Furnish seed of designated species, in labeled unopened bags or containers for inspection by the City's Public Works Department. Seed shall be used within 12-months from the date of the season harvested. When Buffalo grass is utilized, use seed that is treated with Potassium Nitrate to overcome dormancy.

CITY OF JOHNSON CITY

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 3.04 FLOOD DAMAGE PREVENTION OF THE CITY OF JOHNSON CITY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE

RECITALS

WHEREAS, the City Council of the City of Johnson City ("City") on April 15, 2016, enacted Article 3.04 Flood Damage Prevention of the City's Code of Ordinances regarding regulations designed to minimize flood losses; and

WHEREAS, the City Council desires to update and amend Article 3.04 for flood stormwater management; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Johnson City:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. AMENDMENT, ADOPTION AND ENACTMENT

The City Council of the City of Johnson City hereby amends and enacts the amendments to Article 3.04 Flood Damage Prevention of the City's Code of Ordinances, as depicted below and incorporated fully herein for all intents and purposes.

Article 3.04 is hereby revised with strikethroughs constituting deleted text and underlines as new text (excluding section headings), and to read as follows:

Sec. 3.04.004 Administration

- (a) Designation of the floodplain administrator. The ~~city emergency management coordinator~~ Chief Administrative Officer or designee is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program regulations) pertaining to floodplain management.

...

Sec. 3.04.005 Flood hazard reduction standards

...

(b) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 3.04.003(b), section 3.04.004(b)(8), or subsection (c)(3) below, the following provisions are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to ~~eighteen (18)~~ twenty-four (24) or more inches above the base flood elevation. 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 section 3.04.004(c)(1)(A), is satisfied.

(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to ~~eighteen (18)~~ twenty-four (24) or more inches above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood 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 and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

...

(4) Manufactured homes.

(B) Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites:

...

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood; be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to twenty-four (24) or more inches above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

~~(v) [Note: this subsection is not numbered in the online code but intended to be subsection (v)] be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to eighteen (18) or more inches above the base flood elevation and be securely~~

~~anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~

(C) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (b)(4) of this section be elevated so that either:

(i) The lowest floor of the manufactured home is ~~eighteen (18)~~ twenty-four (24) or more inches above the base flood elevation; or

...

...

(d) Standards for areas of shallow flooding (AO/AH zones). Located within the areas of special flood hazard established in section 3.04.003(b), 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 ~~eighteen (18)~~ twenty-four (24) or more inches above the base flood 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 nonresidential structures;

(A) Have the lowest floor (including basement) elevated to ~~eighteen (18)~~ twenty-four (24) or more inches above the base flood 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

...

Sec. 3.04.006 Penalty

...

(c) Nothing herein contained shall prevent ~~commissioners court~~ the City Council from taking such other lawful action as is necessary to prevent or remedy any violation.

...

ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and approval.

PASSED AND APPROVED this, the _____ day of _____, 2022,
by a majority vote of the City Council of Johnson City, Texas.

CITY OF JOHNSON CITY, TEXAS

Rhonda Stell, Mayor

Attest:

Whitney Walston
City Secretary