



ORDINANCE NO. 3595

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE FARMERS BRANCH CODE OF ORDINANCES CHAPTER 86 “UTILITIES,” ARTICLE VII “MUNICIPAL DRAINAGE UTILITY SYSTEM” BY ADDING DIVISION 3 TITLED “STORMWATER DRAINAGE REQUIREMENTS” ADOPTING A STORM DRAINAGE DESIGN MANUAL AND ESTABLISHING REGULATIONS RELATING TO THE DESIGN AND CONSTRUCTION OF DRAINAGE FACILITIES WITHIN THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in order to establish certain standards and minimum requirements with respect to the construction of stormwater facilities related to the development and redevelopment of property within the City, the Director of Public Works recommends that the City Council adopt a Storm Drainage Design Manual and related regulations; and

WHEREAS, the City Council of the City of Farmers Branch, Texas, finds it to be in the public interest and necessary for the protection of public health and safety to adopt such manual and regulations:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. Chapter 86 “Utilities,” Article VII “Municipal Drainage Utility System” of the Code of Ordinances of the City of Farmers Branch, Texas, is amended by adding Division 3 titled “Stormwater Drainage Requirements” to read as follows:

DIVISION 3 – STORMWATER DRAINAGE REQUIREMENTS

Sec. 86-600. - General requirements.

All storm sewer systems shall be designed and constructed to conform to that certain *Storm Drainage Design Manual – City of Farmers Branch, Texas*, dated September 2019, the official copy of which is on file in the Office of the City Secretary, and such subsequent amendments, revisions, and/or replacement to such manual as may be adopted by ordinance or resolution of the City Council and referenced by the approval date and number of said resolution or ordinance. Any reference in this Division to the Storm Drainage Design Manual shall mean the manual adopted in accordance with this Section 86-600 and all subsequent amendment, revisions, and replacements thereto.

Sec. 86-601. - Design of storm drainage facilities.

All storm drainage facilities in the City shall be designed in accordance with the storm drainage design manual based on ultimate watershed development for the 100-year frequency design storm and all facilities shall accommodate runoff from the entire drainage area, whether inside or outside the subdivision or addition.

Sec. 86-602. - Floodplain delineation and dedication.

If any portion of the property contains a drainage course, lies within 100 feet from the top of a high bank, or contains Federal Emergency Management Agency (FEMA) floodplain, then the drainage basin area shall be determined for the property. If that area is 160 acres or more, then the 100-year floodplain shall be established. All floodplain calculations shall be approved by the floodplain administrator. The floodplain shall be delineated on the plat and shall be dedicated or conveyed to the City, at the City's option and request.

Sec. 86-603. - Staking of floodplain.

The floodplain shall be staked using materials specified by the city engineer at 200-foot intervals at the cross section of the floodplain study. Stakes shall remain in place until the construction in the subdivision is completed.

Sec. 86-604. - Watercourse or drainage easement.

If a subdivision or addition is traversed by a watercourse, drainageway, channel, or stream, a stormwater or drainage easement conforming substantially to the line of such watercourse shall be provided and shall be of sufficient width to be adequate for a 100-year design storm frequency flow.

Sec. 86-605. - Properties to be maintained in natural state.

All properties located in the 100-year floodplain shall be maintained in a natural state. Any deviations or modifications to the natural state shall require review and approval of the Director of Public Works.

Sec. 86-606. - Drainage.

- (a) Lots shall be graded to provide a minimum slope of one percent to drain storm and irrigation water to the public right-of-way in addition to any requirements regarding construction of improvements set forth in Chapter 22 of this Code.
- (b) Unobstructed swales of minimum two (2) foot width and one percent slope for a total of four (4) feet with two lots combined

will be provided on side lot lines for lots with alleys and also on rear lot lines where alleys are not provided. Maintenance of the swales is to be performed by the property owner. No permanent structures, including driveways, are permitted within this or any drainage area. Fences may be permitted as long as the flow of water is not obstructed. Utility boxes and poles less than one square foot in diameter may be permitted.

- (c) Other design configurations that will provide equivalent drainage must be approved by the City Engineer.

Sec. 86-607. - Maintenance easements.

If the City elects to maintain areas along and within creeks and drainageways:

- (a) The property owner must convey to the City an easement not less than fifteen (15) foot in width on each side of and parallel to the creek or drainageway for access and maintenance purposes, which easement shall be located above the base flood elevation and accessible to vehicles and equipment;
- (b) Access easements must also be provided at 1,200-foot intervals along streets or alleys, the location and size of which shall be determined by the City Engineer, but which shall in any case not be less than fifteen (15) feet wide; and
- (c) Permanent monuments, the type and location of which are to be determined by the City Engineer, shall be placed along the boundaries of the access easement and private property and, is established at the time of platting included in the dedication noted on the plat.

Sec. 86-608. - Accommodation of upstream drainage areas.

A drainage structure shall accommodate runoff from its entire upstream drainage area, whether inside or outside the subdivision or addition.

Sec. 86-609. - Effect on downstream drainage areas.

If adequate capacity is not available immediately downstream, a drainage system, a detention facility, or parallel system to mitigate the deficiency shall be required to be constructed on the property. The Planning and Zoning Commission shall withhold approval of the plat until such mitigation has been provided.

Sec. 86-610. - Stormwater detention and retention facilities.

Stormwater detention and retention facilities constructed in association with development of property shall be subject to the following:

- (a) Concurrently with the submission of plans for the design of the public improvements in the City, the developer shall provide to the Department of Public Works a written engineering analysis prepared and sealed by a Texas Professional Engineer and satisfactory to the City Engineer indicating that all required stormwater detention and/or retention facilities are designed to reduce outflows from the detention pond or retention pond, as applicable, following each storm event to a residential runoff rate for a five-year, ten-year, 25-year, 50-year, and 100-year frequency storm event.
- (b) All stormwater detention and/or retention facilities required for the development of all phases of a proposed subdivision must be constructed at the time of development of the first phase of development and shall be built for the ultimate condition at the time of initial construction unless otherwise approved by the Director of Public Works.
- (c) Prior to acceptance of the public improvements in the subdivision, a homeowners' association or property owners' association responsible for the perpetual operation, maintenance and supervision of any stormwater detention facility constructed as required by this section, which association shall have the authority to levy assessments against lots within the subdivision for which the facility was built in order to pay for the costs of such perpetual operation, maintenance and supervision of the stormwater detention facility, which association shall not be dissolved without the consent of the City and which may be assessed by the City for any costs the City may incur as the result of the associations failure to perform its obligations to operate, maintain, and supervise the facility.
- (d) In the event a stormwater detention or retention facility is designed and/or constructed to receive stormwater from properties which, at the time of construction of the facility, are under different ownership, the Director of Public Works shall have the authority to approve a drainage facility maintenance agreement between or among the property owners that establishes the operational and financial obligations of the respective property owners relative to the perpetual operation, maintenance and supervision of the facility. Such agreement must be submitted to and approved by the

Director of public works (i) prior to approval of a final plat, if the property to be served by the facility is not yet platted, (ii) prior to issuance of a building permit if the property served by the facility is platted but no development has occurred on the property, or (iii) prior to issuance of a certificate of occupancy for any structure on the property to be served by the facility when construction on the property has commenced when the requirement for the construction of the facility arises. Any drainage facility maintenance agreement approved pursuant to this Section 86-610(d). must provide that:

- (1) All property owners' associations or homeowners' associations who own the common areas of the subdivision or which will succeed to such ownership from the owner or developer of the property in accordance with the provisions of the required restrictive covenants are parties to the agreement; and
- (2) Notwithstanding the allocation of costs and responsibilities regarding the operational and financial obligations of the respective property owners relative to the perpetual operation, maintenance and supervision of the facility, all owners shall be jointly and severally liable for maintaining the facility in the manner required by the City; and
- (3) No amendment to the agreement shall be effective without the approval of the City Manager; and
- (4) The City shall be a third party beneficiary to the agreement with the right, but not the obligation, to require specific performance of the agreement by the parties; and
- (5) The agreement shall be a covenant running with the land with respect to all properties served by the stormwater detention or retention facility, recorded in the Official Public Records of Dallas County, Texas, and enforceable against all subsequent owners of the properties served by the facility.

SECTION 2. All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect

the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This Ordinance shall take effect immediately after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 3RD DAY OF SEPTEMBER 2019.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:8/27/19:110382)