

ORDINANCE NO. 1414-2024

AN ORDINANCE AMENDING CHAPTER 10 "SUBDIVISIONS" OF THE RIVER OAKS CODE OF ORDINANCES (2020) AS AMENDED BY REVISING THE SUBDIVISION ORDINANCE SPECIFICALLY IN PART 11 "DESIGN PROVISIONS", REVISING ARTICLE 49 "STORM DRAINAGE FACILITIES" PROVIDING THAT THE STORM WATER DRAINAGE FACILITIES BE DESIGNED IN ACCORDANCE TO CURRENT INTEGRATED STORMWATER MANAGEMENT (ISWM) PROGRAM DEVELOPED BY NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG); ADOPTING THE ISWM TECHNICAL MANUAL FOR PLANNING, WATER QUALITY, HYDROLOGY, HYDRAULICS, SITE DEVELOPMENT CONTROLS, CONSTRUCTION CONTROLS AND LANDSCAPING WITH THE CITY OF FORT WORTH STORM WATER CRITERIA MANUAL THAT BECAME EFFECTIVE ON SEPTEMBER 29, 2015.

WHEREAS, the City of River Oaks is a home rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council adopted Ordinance number 1348-2022 on June 28, 2022 incorporating Article 13.13 " iSWM Criteria Manual for Site Development" into the River Oaks Code of Ordinances (2020) that adopted the iSWM Criteria Manual for Site Development and Construction and amending appropriate sections of other related drainage and storm water ordinances; and

WHEREAS, the City Council now desires to amend Chapter 10 "Subdivisions" of the River Oaks Code of Ordinances (2020) as amended by revising Article 49 "Storm Drainage Facilities" for the purpose of requiring that the storm water drainage facilities be designed in accordance to the Integrated Stormwater Management Program (iSWM) as developed by the North Central Texas Council of Governments with the City of Fort Worth Storm Water Criteria Manual that became effective on September 29, 2015; and

WHEREAS, since storm water drainage flows from River Oaks into the City of Fort Worth and likewise from Fort Worth into River Oaks, it is essential to have regionally adopted criteria to design storm water flows in order to help reduce flooding; and

WHEREAS, the City Drainage Engineer, M.J. Thomas Engineering; also recommended that the City with the 2022 adoption of the Integrated Stormwater Management Program should also incorporate it into the Subdivision Ordinance as being the design criteria for site development and construction, so that it would be the same for all developments within the city's jurisdictional boundaries; and

WHEREAS, the City Council is in agreement with the City's Drainage Engineer that the Integrated Stormwater Management Program (iSWM) since it is the adopted design criteria for the City of River Oaks should be incorporated into the Subdivision Ordinance, so there would be no confusion as to the design standard the city uses especially since it was developed by NCTCOG, that is a voluntary association of, by and for local governments, established to assist in regional planning.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS THAT:

SECTION 1

Chapter 10, "Subdivisions," of the Code of Ordinances, City of River Oaks, Texas is amended to now read as set forth herein:

"Article 49 Storm Drainage Facilities

49-100 General. Drainage facilities shall be provided and constructed by the subdivider or developer in accordance with current design criteria adopted by the City and the River Oaks Standard Specifications for Street and Drainage Construction and the following basic requirements:

1. When conditions upstream from a proposed channel or storm drain outside the limits of the ownership of the subdivider or developer do not permit maximum design flow, the drainage facilities shall be designed based on potential and fully developed conditions.
2. When conditions downstream from a proposed channel or storm drain outside the limits of the ownership of the subdivider or developer do not permit maximum design flow, water surface elevations for a 100-year design frequency shall be indicated considering the downstream condition in order to define the potential flood hazards. Solutions to protect the property shall be developed.
3. All drainage improvements shall be designed to an acceptable outfall.
4. Where there is a question as to the justification or size of drainage facilities, doubt will be resolved in favor of additional drainage capacity.
5. The combined capacity of storm drainpipe, street and surface drainage shall contain the 100-year design flow at the R.O.W. lines. The finish floor elevation shall be at least two feet (2') above the 100-year flood Base Flood Elevation (BFE).
6. The developer shall install an underground storm drain beginning at the point where the calculated stormwater runoff is of such a quantity that it will overflow the street at curb height. The storm drain shall be constructed from this point to an approved outlet where the stormwater can be discharged safely without damage or flooding of adjacent property.
7. In all subdivision approved and constructed after the effective date of this Ordinance, a permanent six foot (6') chain link fence or other fence meeting the requirements of the City shall be constructed to enclose the channel area where it is adjacent to residential lots and also in other cases where it is deemed necessary to restrict access to the channel.
8. All drainage facilities shall be constructed on public right-of-way or easements dedicated for the purpose. Drainage easements shall be of a sufficient size to permit access for maintenance of the drainage facility.
9. When a drainage ditch or storm drainpipe, culvert or bridge is proposed, calculations shall be submitted showing basis for design.
10. When a drainage channel, storm drainpipe, culvert or bridge is proposed, completed plans, profiles and specifications shall be submitted, showing complete construction details and detailed cost estimate.
11. The subdivider or developer shall indicate both present and proposed contours and direction of drainage.
12. Any present adverse drainage problems shall not be made worse.
13. Proposed drainage shall flow to drainage easements, storm drain facilities and/or publicly dedicated streets only.
14. Existing capacities of drainage easements, storm drain facilities and/or publicly dedicated streets shall be indicated.

15. Existing capacities of drainage easements, storm drain facilities and/or publicly dedicated streets shall not be exceeded.

16. Directing drainage onto private property will not be allowed.

49-101. design criteria. Storm drainage criteria shall be designed in accordance to the current integrated stormwater management (iSWM) program developed by North Central Texas Council of Governments (NCTCOG) adopting the iSWM technical manual for planning, water quality, hydrology, hydraulics, site development controls, construction controls and landscaping with the city of fort worth storm water criteria manual that became effective on September 29, 2015 as a resource guideline for locally adopted design criteria allowing the City of River Oaks a flexible approach to the iSWM program at the local level.”

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of River Oaks (2020), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of River Oaks, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 5.

Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation including the dumping of refuse may not exceed two thousand dollars (\$2,000.00); provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

SECTION 6.

With the adoption of this ordinance, all ordinances or provisions previously adopted that are in conflict hereof, shall be repealed in their entirety.

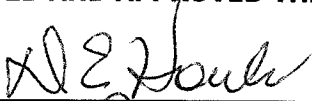
SECTION 7.

The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

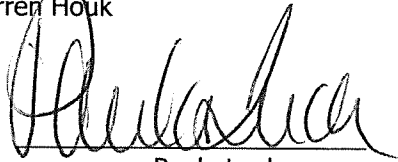
SECTION 8.

This ordinance shall take effect upon adoption and publication as required by law, and it is so ordained.

PASSED AND APPROVED THIS THE 20th DAY OF FEBRUARY 2024.

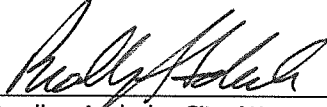


Mayor Darren Houk

ATTEST: 

Paula Luck
City Secretary
City of River Oaks

APPROVED AS TO FORM AND LEGALITY:



Bradley Anderle, City Attorney

ADOPTED: 2-20-2024
EFFECTIVE: 2-20-2024