

ORDINANCE NO. 338

**AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, PROVIDING
STORMWATER MANAGEMENT REQUIREMENTS FOR LAND
DEVELOPMENT; PROVIDING A PENALTY; PROVIDING FOR
SEVERABILITY; AND REPEALING ALL ORDINANCES OR PARTS OF
ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH**

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:

Section 1. Stormwater management.

(a) Prior to the issuance of any permit for the construction of any building or structure, or addition thereto, or the issuance of any development or other applicable permit regarding the alteration of natural grade (construction or alteration of grade being hereafter referred to as "Development"), except for permits for developments in areas wholly outside areas of special flood hazards pursuant to flood damage prevention regulations of the City where it is determined by the city engineer as unnecessary due to the existence of sufficient available data, the permit applicant shall submit such hydrological analysis as is necessary to show the impact and potential adverse effects of increased runoff attributable to such proposed development. Drainage improvements shall be required as a condition of permit approval in accordance with the following:

(1) Where development will not adversely affect downstream flooding, the applicant shall not be required to provide either onsite stormwater storage or offsite drainage improvements.

(2) Where development will adversely affect downstream flooding, the applicant shall compensate for the increased flood flows by providing downstream improvements which provide capacity to handle the increased flows.

(3) Where downstream improvements may be so extensive as to be uneconomical or not be feasible because of right-of-way or other limitations, the applicant may provide onsite storage improvements sized and constructed as to eliminate any adverse drainage impact downstream.

(4) If it is not feasible for an applicant to analyze all downstream conditions, onsite storage of sufficient capacity to limit the developed peak discharge from the storage systems to that which would have flowed from the development in its natural undeveloped state may be provided. The stormwater runoff rate from development after completion shall not exceed the runoff rate for the applicable land area prior to development as determined by the 100-year frequency storm.

The storage systems designed to accomplish this purpose shall not be closer to any water-bearing strata than one foot and shall have soil borings from a certified laboratory to substantiate this fact, and these results shall be supplied with the design engineer's stamp on them to the city engineer before construction can begin. The type and geometrical shape of the storage system is independent and left to the design of the developer's engineer, but should include a cross section for flow up to a five-year frequency storm and the second cross section should be for the storage of additional stormwater to the 100-year interval. The area used for this purpose is to be maintained by the applicant or its assignee.

(b) No development shall proceed until approval has been granted by the city engineer for the plans, specifications and flood control measures for such development as required under this Ordinance.

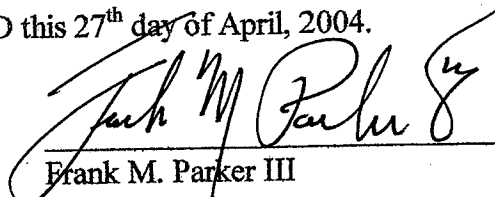
(c) Notwithstanding the foregoing, development on tracts of land containing 16,000 square feet or less may, in lieu of providing any required onsite storage or improvements to downstream outfall facilities, remit to City a contribution that shall be applied to the development of a regional offsite storage facility. The cost to the applicant shall be a percentage of the estimated cost of acquisition and construction of the regional offsite storage facility that equals the percentage that the applicant's required capacity in such facility bears to the total capacity of such facility.

Section 2. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

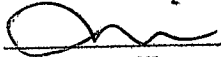
Section 3. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Magnolia, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 8. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of any such inconsistency or conflict, hereby repealed.

PASSED, APPROVED, AND ADOPTED this 27th day of April, 2004.


Frank M. Parker III
Mayor

ATTEST:

A handwritten signature in dark ink, appearing to read 'Jane H. Miller', is written over a horizontal line.

Jane H. Miller
City Manager/City Secretary