

ORDINANCE 2026-04-002

**AN ORDINANCE OF THE TOWN OF PINE ISLAND, TEXAS,
ESTABLISHING STORMWATER MANAGEMENT REQUIREMENTS; PROMOTING LOW IMPACT
DEVELOPMENT PRACTICES; AND, PROVIDING STANDARDS FOR PERMIT REVIEW, PERFORMANCE
CRITERIA, MAINTENANCE, AND ENFORCEMENT; PROVIDING A SAVINGS CLAUSE, SEVERABILITY
CLAUSE; PROVIDING FOR A PENALTY AND FINE OF \$500.00 NOT TO EXCEED \$2,000.00 PER DAY OR TO
THE MAXIMUM ALLOWED BY STATE LAW, WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE;
PROVIDING FOR REPEALER, AND EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION**

WHEREAS, the Town of Pine Island, Texas (the Town or the City) is a general law municipality located in Waller County and exercises authority over land development within its corporate limits and extraterritorial jurisdiction pursuant to the Texas Local Government Code; and

WHEREAS, Land development projects and associated increases in impervious cover can alter the hydrologic response of local watersheds and can increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition; and

WHEREAS, this stormwater runoff can contribute increased quantities of water-borne pollutants; and

WHEREAS, Stormwater runoff, soil erosion, and nonpoint source pollution can be managed through the application of sound stormwater management practices that minimize the impact of development on water quality and flooding; and

WHEREAS, Increased stormwater runoff rates and volumes, flooding, stream channel erosion, soil erosion, and nonpoint source pollutants can pose as a threat to the public health; and,

WHEREAS, the City Council further finds that low impact development (LID) practices offer cost-effective, ecologically sound alternatives to conventional stormwater infrastructure that are well-suited to Pine Island's flat topography, sandy loam and clay soils, and prairie landscape character; and

WHEREAS, the City Council desires to establish minimum standards for stormwater management that protect public health, safety, and welfare; preserve the natural hydrology of local drainage systems; and promote resilient, sustainable development;

WHEREAS, the City Council finds that this Ordinance protects local water resources, manages floods, and enhances public health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PINE ISLAND, TEXAS:

SECTION 1- FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2- ENACTMENT

The following Stormwater Management Regulations are hereby adopted and shall apply within the City of Pine Island.

SECTION 3- REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, 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.

SECTION 4- 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.

SECTION 5- CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

SECTION 6 - EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication of caption.

SECTION 7- PENALTY

Any person, firm, or corporation who violates any provision of this ordinance shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense; provided, however, that in all cases involving violation of this ordinance governing public health shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) or the highest amount authorized by state law for each offense as allowed by law, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

SECTION 8- PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this, the 4th day of May 2026, by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Pine Island, Texas.

CITY OF PINE ISLAND:

By: _____
Mayor Stacy

ATTEST: Michelle Palmer, City Secretary

APPROVED AS TO FORM: John B., City Attorney



1. General Provisions

1.1. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the city limits and extra-territorial jurisdiction of the Town of Pine Island. This ordinance seeks to meet that purpose through the following objectives:

1. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion as well as maintain the integrity of stream channels, wetlands, and tidal waters;
2. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which could degrade local water quality;
3. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety;
4. Establish buffer zones along creeks, rivers, wetlands, and tidal waters to enhance water quality management and floodplain protection; and
5. Promote low impact development (LID) practices to manage stormwater as a resource and provide beneficial uses to benefit the local water supplies.

1.2. Applicability

This ordinance shall be applicable to all subdivision or site plan applications for property within the city limits and the city's extraterritorial jurisdiction, unless eligible for an exemption or granted a waiver by the City under the specifications of Section 4 of this ordinance. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all development plans must be reviewed by the City to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

To manage adverse impacts of stormwater runoff, the City has developed a set of performance standards that must be met at new development and re-development sites. The following activities are exempt from these stormwater performance criteria:

1. Any logging and agricultural activity
2. Additions or modifications to existing single family structures
3. New development or redevelopment projects that do not disturb more than one acre of land and add less than 10,000 square feet of new impervious cover, provided they are not part of a larger common development plan;
4. Any part of a land development project that was approved by the City prior to the adoption of this ordinance;
5. Redevelopment activities that involve the replacement of impervious cover when the original impervious cover was wholly or partially lost due to natural disaster or other acts of God occurring after the date of ordinance adoption; and,
6. Repairs to any stormwater treatment practice deemed necessary by the City.

When a site development plan is submitted that qualifies as a redevelopment project as defined in Section 2 of this ordinance, only any newly created impervious cover is subject to these stormwater requirements. Final authorization of all redevelopment projects will be determined after a review by the City.

1.3. Compatibility with Other Permit and Ordinance Requirements

This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. The requirements of this Ordinance shall be considered minimum requirements, and where any provision of this Ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provisions are more protective of human health or the environment shall take precedence. This Ordinance supplements and does not supersede the City's Subdivision Regulations, or any applicable TCEQ or NFIP requirements.

1.4. Severability

If any article, section, subsection, paragraph, subdivision, or clause of this Ordinance is judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance.

1.5. Stormwater Design Manual

The City hereby adopts the Guidance for Sustainable Stormwater Drainage on the Texas Coast, as published by the Texas General Land Office and as may be amended from time to time, as the City's local stormwater design manual (the Design Manual). The Design Manual includes acceptable stormwater treatment practices, specific design criteria, and operation and maintenance requirements. The City may supplement the Design Manual with locally adopted engineering standards and LID specifications. Stormwater treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of 80% removal of total suspended solids (TSS) and manage the peak rate of runoff from the 1.5-inch storm.

2. Definitions

"Applicant" means a property owner or agent of a property owner who has filed an application for a stormwater management permit.

"Best Management Practice" A structural or nonstructural practice designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow rates, and detrimental changes in stream temperature and water quality. Includes both convention stormwater controls and low impact development practices.

"Bioretention / Rain Garden" A low impact development practice consisting of a shallow, landscaped depression filled with engineered soil media and native vegetation that temporarily stores, filters, and infiltrates stormwater runoff.

"Buffer Zone" means the vegetated area free of impervious cover and development adjacent to a creek, river, natural drainageway, wetlands, and tidal waters.

"Building" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

"Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

"Conservation development" A land use approach that protects natural resources in perpetuity by dedicating a minimum of fifty percent (50%) of the total development parcel as permanently protected open space while concentrating development intensity in the remaining area.

"Dedication" means the deliberate appropriation of property by its owner for general public use.

"Design Manual" The Guidance for Sustainable Stormwater Drainage on the Texas Coast, as adopted and as may

be supplemented by the City.

“Developer” means a person who undertakes land disturbance activities.

“Development” means any land modification activity including the construction of buildings, roads, paved storage areas, and parking lots for single-family subdivisions, multi-family, retail, medical, commercial, educational, and retail projects.

“Drainage Easement” means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

“Green Infrastructure” An interconnected network of natural areas, open spaces, and engineered systems—including bioretention, permeable pavement, vegetated swales, green roofs, and native plantings—that manage stormwater, reduce flooding, and provide ecological benefits.

“Impervious Cover” means those surfaces that cannot effectively infiltrate rainfall (including such things as building rooftops, pavement, sidewalks, paved and unpaved driveways, parking areas, and streets, but not including swimming pools and ponds).

“Jurisdictional Wetland” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

“Land Disturbance Activity” means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

“Landowner” means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

“Low Impact Development” A stormwater management approach that uses site design techniques and decentralized, small-scale controls to manage rainfall close to where it falls. LID practices include bioretention, permeable pavement, vegetated swales, green roofs, cisterns, amended soils, and conservation of natural features, with the goal of mimicking predevelopment hydrology.

“Maintenance Agreement” means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

“Nonpoint Source Pollution” means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

“Off-Site Facility” means a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.

“On-Site Facility” means a stormwater management measure located within the subject property boundary described in the permit application for land development activity.

“Payment in Lieu” means a payment of money in place of meeting all or part of the storm water performance standards required by this ordinance

“Permeable Pavement” Paving materials that allow stormwater to infiltrate through the surface into underlying

layers, including pervious concrete, porous asphalt, permeable interlocking concrete pavers, and gravel-filled grid systems meeting the design standards of the Design Manual.

“Redevelopment” means any construction, alteration or improvement exceeding one acre or 10,000 square feet of new impervious cover in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.

“Site” means the property boundaries encompassing a development and the area described in the permit application.

“Stop Work Order” means an order issued which requires that all construction activity on a site be stopped.

“Stormwater Management” means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

“Stormwater Management Plan” A plan, prepared by a licensed professional engineer, detailing how runoff and associated water quality impacts resulting from a development will be controlled or managed in compliance with this Ordinance.

“Stormwater pollution prevention plan (SWPPP)” means a plan that is prepared by designers, engineers, or contractors to minimize erosion and sedimentation during the construction process. Often the SWPPP is called a SW3P. The SWPPP is detailed in the TCEQ Construction General Permit TXR150000.

“Stormwater Runoff” means flow on the surface of the ground, resulting from precipitation.

“Stormwater Treatment Practices (STPs)” means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

“Vegetated Swale” A broad, shallow, vegetated channel designed to convey and treat stormwater runoff by filtering pollutants, reducing flow velocity, and promoting infiltration.

“Water Quality Volume (WQv)” means the storage needed to capture and treat the design storm identified in the stormwater guidance manual.

“Watercourse” means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water

3. Permit Procedures and Requirements

3.1. Permit Required

No person shall receive any building, grading, or other land development permit required for a land disturbance activity without first satisfying the requirements of this Ordinance. No land disturbance activity subject to this Ordinance shall commence until a stormwater management permit has been issued by the City.

3.2. Pre-Development Meeting

A pre-development planning meeting is required for all single-family development projects greater than 20 acres in area and all commercial (retail, medical, institutional, educational) greater than **three (3)** acres in area. The meeting will focus on the land plan, stormwater drainage, LID opportunities, floodplain setbacks, buffer zone preservation, water quality and flood reduction practices and may include a site investigation.