

City Council
Agenda Memo



City Council
Meeting Date: 7/23/2015

TO: Robert Hanna, City Manager

**FROM: Jon James, AICP
Director of Planning and Development Services**

SUBJECT: First reading of an ordinance amending the Land Development Code (LDC) regarding requirements related to review time of drainage plans; and setting a public hearing for August 13, 2015.

GENERAL INFORMATION

At a recent Planning & Zoning Commission meeting, a discussion item was held to discuss requirements related to review time of drainage plans. Specifically, the discussion centered on the lengthy amount of time given to City staff to review and approve drainage plans that are required for development of property.

Properties being developed, and that require a site plan, typically require submittal and approval of a drainage plan prior to construction. The Land Development Code (LDC) authorizes up to 20 working days to either approve or deny the drainage plan. Historically, these plans have been reviewed and approved in a timely manner and have not delayed approval of the site plan. Recently, several construction projects have been delayed waiting for drainage plans to be approved. The Planning & Zoning Commission determined that an amendment is needed to reduce the amount of time for review of these plans.

The proposed amendment reduces the amount of time given to the Floodplain Administrator to approve or deny a submitted drainage plan. The proposed reduction is from 20 working days down to 10 working days. The section in the LDC being amended is Section 3.2.11.4(g)(1) – Processing of Drainage Plans.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendment to Section 3.2.11.4(g)(1) of the Land Development Code.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Dunnahoo, Ellinger, Rosenbaum, & McClarty) and none opposed.

ATTACHMENTS

Ordinance

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

July 13, 2015

Item No. 6.8

Disposition by City Council

- Approved Ord/Res# _____
- Denied _____
- Other _____

City Secretary

AN ORDINANCE AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

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

PART 1: That Chapter 23, part known as the "Land Development Code," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 23rd day of July A.D. 2015.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of June, 2015, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 13th day of August, 2015, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 13th day of August, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT "A"

AMEND: Section 3.2.11.4 Drainage Plans

REVISE: Revise duration for review of Drainage Plans.

(g) Administration of Drainage Plans.

- (1) Processing of Drainage Plans. All Drainage Plans as required by this Section shall be submitted to and received by the Floodplain Administrator. A conference to discuss the Drainage Plan may be held with the Floodplain Administrator, but only after Construction Plans have been officially submitted.
 - a. Within ~~twenty~~ten (20~~10~~) working days after receipt of a properly completed Drainage Plan (also refer to Chapter 1, Section 1.2.1.2), the Floodplain Administrator shall either approve or deny the submitted plan.
 - b. Approval of a submitted Drainage Plan shall only constitute acceptance by the Floodplain Administrator of the certification of the submitting engineer and such acceptance shall not operate to remove any requirement of Abilene's adopted Drainage Standards which are not specifically considered in the approved plan.
 - c. Drainage Plans which meet the requirements of this ordinance and which conform to all requirements of the adopted Abilene Drainage Standards shall be approved.
 - d. If the required findings cannot be made based upon the information contained in the submitted plan, such additional information as is required by the Floodplain Administrator to make such determination will be identified; in the event that the information deficiency is of a technical nature, the Floodplain Administrator may request an engineering conference with the submitting engineer.
 - e. If a submitted Drainage Plan is denied, the certifying engineer or applicant, as applicable, shall be advised in writing of the disapproval.

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