

City Council  
Agenda Memo



City Council  
Meeting Date: 3/13/2014

**TO:** Larry D. Gilley, City Manager

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

**SUBJECT:** Final reading and public hearing on an ordinance amending the Land Development Code with regard to Section 3.2.5.2 The City System concerning the use of on-site sewage disposal facilities.

**GENERAL INFORMATION**

The City of Abilene has a specific requirement that new development extend and tie-into the City's existing sanitary sewer system. In extremely limited circumstances, the City Council may waive the required extension of municipal sewers and approve the use of on-site sewage disposal facilities. Currently, this is only available when the Planning Director and the Director of Water Utilities, or designee, determine that such extension would require unreasonable expenditures and that on-site sewage disposal facilities will function properly. No appeal to the City Council is available if the determination by staff is that there are not unreasonable expenditures or that on-site sewage disposal facilities will not function properly.

Both the City Council and the Planning & Zoning (P&Z) Commission has asked staff to provide an amendment to the language that would allow for the City Council to hear appeals for the use of on-site sewage disposal facilities when requested by a developer.

The attached proposed amendment to the Land Development Code (LDC) will allow for the City Council review and approval of requests to use on-site sewage disposal facilities.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval with changes by a vote of 5 in favor (Glenn, McClarty, Rosenbaum, Todd, and Famble) and none opposed.

**ATTACHMENTS**

Ordinance

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 4, 2014

Item No. 7.5

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 27<sup>th</sup> day of February A.D. 2014.

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 17<sup>th</sup> day of January, 2014, 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 13<sup>th</sup> day of March, 2014, 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 13<sup>th</sup> day of March, A.D. 2014.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

EXHIBIT "A"

**AMEND:** Section 3.2.5.2 The City System

**REVISE:** Add language to allow City Council to review and decide on use of on-site sewage disposal systems.

**Section 3.2.5.2 The City System**

- (a) Extension. Extension of the City of Abilene's sanitary sewer system shall be required for any subdivision within City limits. Extension of municipal sewers shall also be required, outside City limits, for any subdivision comprising a lot or lots less than one-half (1/2) acre in size if served by a public water supply or a lot or lots less than one (1) acre on other properties. In no way is the City of Abilene obligated, however, to permit extension of municipal sewers outside City limits.
- (b) Waiver. The required extension of municipal sewers may be waived wherever the City Council, ~~acting on the advice of the Planning Director and the Director of Water Utilities, or designee,~~ finds that:
1. such extension would require unreasonable expenditures, **as compared with other methods of sewage disposal,**
  2. on-site sewage disposal facilities will function properly, and
  3. there are not substantial negative impacts for development on adjacent properties and surrounding areas.

The advice of the Planning Director and the Director of Water Utilities, or designees, shall be considered in making a decision.

- (c) **On-site sewers in lieu of extension of City sanitary sewer system. In a proposed subdivision where public wastewater facilities are not currently accessible, but are expected to be extended to the property in the future, the subdivider receiving a waiver shall be required to install sewer lines meeting all applicable standards throughout the subdivision for future connectivity.**

-END-