

COUNCIL OF THE CITY OF ABERDEEN
Ordinance No. 21-O-08

Date Introduced:	May 10, 2021
Sponsored By:	Mayor Patrick L. McGrady
Public Hearing:	May 25, 2021
Amendments Adopted:	None
Date Adopted:	June 7, 2021
Date Effective:	June 28, 2021

AN ORDINANCE concerning

ADEQUATE PUBLIC FACILITIES

FOR the purpose of revising regulations regarding adequate public facilities in the City of Aberdeen.

BY repealing and reenacting, with amendments
Chapter 302 GROWTH MANAGEMENT,
Article II Adequacy Standards for Residential Development
Sections 302-4.B. and C.
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 302 GROWTH MANAGEMENT,
Article III Adequacy Standards for Nonresidential Development
Sections 302-5.A. and B.
Code of the City of Aberdeen (2010 Edition as amended)

BY adding
Chapter 302 GROWTH MANAGEMENT,
Article IV Agreements and Policies
Sections 302-6 and 302-7
Code of the City of Aberdeen (2010 Edition as amended)

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-Out~~ indicates matter stricken from bill by amendment or
deleted from the law by amendment.

* * * indicates existing unmodified text omitted from Ordinance.

**SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF
ABERDEEN**, that Sections 302-4.B. and C., Article II, Adequacy Standards for Residential
Development, and Sections 302-5.A. and B., Article III, Adequacy Standards for Nonresidential
Development, of Chapter 302 GROWTH MANAGEMENT, of the Code of the City of Aberdeen
(2010 Edition as amended), are repealed and reenacted, with amendments, to read as follows:

CHAPTER 302 GROWTH MANAGEMENT

Article II Adequacy Standards for Residential Development

§302-4. Standards enumerated.

Residential subdivision preliminary plats and site plans shall not be approved unless adequate
public facilities are available to serve the development based on the standards set forth in this
section:

* * *

B. Sewerage. All approval of residential preliminary subdivision plans and site plans for
development shall be subject to determination of adequate sewerage capacity in accordance
with this Subsection B.

* * *

(2) Taking into consideration demands on the system identified in Subsection A(1), the
following components of the sewerage system must be determined to be adequate:

(a) Collector system to serve the proposed development is designed to accommodate
expected ultimate peak gravity flows from the development and other developable
land within the drainage area; AND

(b) Interceptors to serve the proposed development have sufficient available capacity
to accommodate expected peak gravity flows from the development and other
developable land within the drainage area; AND

(c) Pumping stations and force mains receiving flows from the collector system in the drainage/service area have sufficient available capacity to accommodate ultimate peak flows from the proposed development and other developable land within the drainage area; AND

(d) Pumping stations and force mains, receiving flows from interceptors to serve the proposed development, have sufficient available capacity to accommodate expected peak flow from the proposed development and other developable land within the drainage area; and

(e) Treatment plant(s) have sufficient available capacity to accommodate expected annual average and maximum daily loadings from the proposed development and other developable land within the drainage area.

(F) THE DETERMINATION OF WHETHER A COLLECTOR SYSTEM, INTERCEPTOR, TREATMENT PLANT, PUMPING STATION OR FORCE MAIN DESCRIBED IN PARAGRAPHS (A) THROUGH (E) OF THIS SUBSECTION HAVE SUFFICIENT AVAILABLE CAPACITY SHALL BE MADE AFTER DEDUCTING FROM EXISTING CAPACITY ANY PORTION OF THAT CAPACITY THAT WAS CREATED BY THE CITY OR PREVIOUS DEVELOPMENT IN THE SERVICE AREA OVER THE PREVIOUS 10 YEARS.

(3) The City sewerage system shall also be considered adequate under the following circumstances:

* * *

(b) If there is compliance with Subsection B(2)(e) of this section and the developer agrees to construct the improvements to the system to meet the requirements of Subsection B(2)(a), (b), (c), and (d) of this section, or the developer executes an agreement with the City for improvements to the system to meet the requirements of Subsection B(2)(a), (b), (c), and (d) of this section. Under either scenario, the developer will be responsible for the cost(s) of those improvements directly attributable to the impact UPON THE COMPONENT OF THE SEWERAGE SYSTEM produced by the development. IF THE DEVELOPER AGREES TO EXECUTE AN AGREEMENT WITH THE CITY FOR THE IMPROVEMENTS TO THE SYSTEM TO MEET THE REQUIREMENTS OF SUBSECTION B(2)(A), (B), (C), AND (D) OF THIS SECTION, THE AGREEMENT SHALL PROVIDE FOR THE DEVELOPER'S PROPORTIONATE SHARE OF THE COST OF SEWAGE SYSTEM IMPROVEMENTS AS REASONABLY DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.

* * *

C. Water. All approval of residential preliminary subdivision plans and site plans for development shall be subject to determination of adequate water capacity in accordance with this Subsection C.

* * *

(2) Taking into consideration proposed demands on the system identified in Subsection C(1), the following components of the water system must be determined to be adequate:

- (a) The water distribution system is capable of providing the required pressures and flows during the maximum day demand and the minimum required pressures for fire flows, resulting from the proposed development and other developable land within the drainage area, as established in the City's water and sewer design guidelines; AND
- (b) Booster stations and/or transmission mains in the service area have sufficient available capacity to provide maximum day demand and minimum required pressure for fire flow to the proposed development and other developable land within the drainage area; AND
- (c) Storage tanks in the service area have sufficient available capacity to provide peak hour demand in addition to fire flow to the proposed development and other developable land within the drainage area; and
- (d) Source and treatment facilities in the service area have sufficient available capacity to provide maximum day demand to the proposed development and other developable land within the drainage area.
- (E) THE DETERMINATION OF WHETHER A DISTRIBUTION SYSTEM, BOOSTER STATION AND/OR TRANSMISSION MAIN, STORAGE TANK, OR SOURCE AND TREATMENT FACILITY DESCRIBED IN PARAGRAPHS (A) THROUGH (D) OF THIS SUBSECTION HAVE SUFFICIENT AVAILABLE CAPACITY SHALL BE MADE AFTER DEDUCTING FROM EXISTING CAPACITY ANY PORTION OF THAT CAPACITY THAT WAS CREATED BY THE CITY OR PREVIOUS DEVELOPMENT IN THE SERVICE AREA OVER THE PREVIOUS 10 YEARS.

(3) The City water system shall also be considered adequate under the following circumstances:

* * *

(b) If there is compliance with Subsection C(2)(c) and (d) of this section and the developer agrees to construct the improvements to the system to meet the requirements of Subsection C(2)(a) and (b) of this section, or the developer executes an agreement with the City for improvements to the system to meet the requirements of Subsection C(2)(a) and (b) of this section. IF THE DEVELOPER AGREES TO EXECUTE AN AGREEMENT WITH THE CITY FOR THE IMPROVEMENTS TO THE SYSTEM TO MEET THE REQUIREMENTS OF SUBSECTION B(2)(A) AND (B) OF THIS SECTION THE AGREEMENT SHALL PROVIDE FOR THE DEVELOPER'S PROPORTIONATE SHARE OF THE COST OF WATER SYSTEM IMPROVEMENTS AS REASONABLY DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.

* * *

Article III Adequacy Standards for Nonresidential Development

§302-5. Standards enumerated.

Nonresidential subdivision preliminary plats and site plans shall not be approved unless adequate public facilities are available to serve the development based on the standards set forth in this section:

A. Sewerage. All approval of nonresidential preliminary subdivision plans and site plans for development shall be subject to determination of adequate sewerage capacity in accordance with this Subsection A.

* * *

(2) Taking into consideration demands on the system identified in Subsection A(1), the following components of the sewerage system must be determined to be adequate:

(a) Collector system to serve the proposed development is designed to accommodate expected ultimate peak gravity flows from the development and other developable land within the drainage area;

(b) Interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak gravity flows from the development and other developable land within the drainage area; AND

(c) Pumping stations and force mains receiving flows from the collector system in the drainage/service area have sufficient available capacity to accommodate ultimate peak flows from the proposed development and other developable land within the drainage area; AND

(d) Pumping stations and force mains, receiving flows from interceptors to serve the proposed development, have sufficient available capacity to accommodate expected peak flow from the proposed development and other developable land within the drainage area; and

(e) Treatment plant(s) have sufficient available capacity to accommodate expected annual average and maximum daily loadings from the proposed development and other developable land within the drainage area.

(F) THE DETERMINATION OF WHETHER A COLLECTOR SYSTEM, INTERCEPTOR, TREATMENT PLANT, PUMPING STATION OR FORCE MAIN DESCRIBED IN PARAGRAPHS (A) THROUGH (E) OF THIS SUBSECTION HAVE SUFFICIENT AVAILABLE CAPACITY SHALL BE MADE AFTER DEDUCTING FROM EXISTING CAPACITY ANY PORTION OF THAT CAPACITY THAT WAS CREATED BY THE CITY OR PREVIOUS DEVELOPMENT IN THE SERVICE AREA OVER THE PREVIOUS 10 YEARS.

(3) The City sewerage system shall also be considered adequate under the following circumstances:

* * *

(b) If there is compliance with Subsection A(2)(e) of this section and the developer agrees to construct the improvements to the system to meet the requirements of Subsection A(2)(a), (b), (c), and (d) of this section, or the developer executes an agreement with the City for improvements to the system to meet the requirements of Subsection A(2)(a), (b), (c), and (d) of this section. Under either scenario, the developer will be responsible for the cost(s) of these improvements directly attributable to the impact produced by the development. IF THE DEVELOPER AGREES TO EXECUTE AN AGREEMENT WITH THE CITY FOR THE IMPROVEMENTS TO THE SYSTEM TO MEET THE REQUIREMENTS OF SUBSECTION B(2)(A), (B), (C), AND (D) OF THIS SECTION THE AGREEMENT SHALL PROVIDE FOR THE DEVELOPER'S PROPORTIONATE SHARE OF THE COST OF SEWAGE SYSTEM IMPROVEMENTS AS REASONABLY DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.

* * *

B. Water. All approval of nonresidential preliminary subdivision plans and site plans for development shall be subject to determination of adequate water capacity in accordance with this Subsection B.

* * *

(2) Taking into consideration proposed demands on the system identified in Subsection B(1), the following components of the water system must be determined to be adequate:

- (a) The water distribution system is capable of providing the required pressures and flows during the maximum day demand and the minimum required pressures for fire flows, resulting from the proposed development and other developable land within the drainage area, as established in the City's water and sewer design guidelines; AND
 - (b) Booster stations and/or transmission mains in the service area have sufficient available capacity to provide maximum day demand and minimum required pressure for fire flow to the proposed development and other developable land within the drainage area; AND
 - (c) Storage tanks in the service area have sufficient available capacity to provide peak hour demand in addition to fire flow to the proposed development and other developable land within the drainage area; and
 - (d) Source and treatment facilities in the service area have sufficient available capacity to provide maximum day demand to the proposed development and other developable land within the drainage area.
- (E) THE DETERMINATION OF WHETHER A DISTRIBUTION SYSTEM, BOOSTER STATION AND/OR TRANSMISSION MAIN, STORAGE TANK, OR SOURCE AND TREATMENT FACILITY DESCRIBED IN PARAGRAPHS (A) THROUGH (D) OF THIS SUBSECTION HAVE SUFFICIENT AVAILABLE CAPACITY SHALL BE MADE AFTER DEDUCTING FROM EXISTING CAPACITY ANY PORTION OF THAT CAPACITY THAT WAS CREATED BY THE CITY OR PREVIOUS DEVELOPMENT IN THE SERVICE AREA OVER THE PREVIOUS 10 YEARS.

* * *

(3) The City water system shall also be considered adequate under the following circumstances:

* * *

- (b) If there is compliance with Subsection B(2)(c) and (d) of this section and the developer agrees to construct the improvements to the system to meet the requirements of Subsection B(2)(a) and (b) of this section, or the developer executes an agreement with the City for improvements to the system to meet the requirements of Subsection B(2)(a) and (b) of this section IF THE DEVELOPER

1 AGREEES TO EXECUTE AN AGREEMENT WITH THE CITY FOR THE
2 IMPROVEMENTS TO THE SYSTEM TO MEET THE REQUIREMENTS OF
3 SUBSECTION B(2)(A) AND (B) OF THIS SECTION THE AGREEMENT
4 SHALL PROVIDE FOR THE DEVELOPER'S PROPORTIONATE SHARE OF
5 THE COST OF WATER SYSTEM IMPROVEMENTS AS REASONABLY
6 DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.
7

8 * * *

9 **SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY**
10 **OF ABERDEEN**, that new Sections 302-6 and 302-7 are hereby added to Chapter 302
11 GROWTH MANAGEMENT, of the Code of the City of Aberdeen (2010 Edition as amended),
12 to be under new Article IV Agreements and Policies, to follow immediately after Section 302-5
13 of Article III, to read as follows:
14

15 CHAPTER 302 GROWTH MANAGEMENT

16 ARTICLE IV AGREEMENTS AND POLICIES

17 §302-6. DEVELOPMENT OF AGREEMENTS.
18

19 THE DIRECTOR OF PUBLIC WORKS SHALL DEVELOP AGREEMENTS WITH
20 DEVELOPERS TO IMPLEMENT THE PROVISIONS OF SECTIONS 302-4.B., 302-4.C. 302-
21 5.A. AND 302-5.B. OF THIS CHAPTER. IN ADDITION TO SUCH OTHER PROVISIONS
22 THAT THE DIRECTOR OF PUBLIC WORKS DEEMS NECESSARY OR DESIRABLE,
23 AGREEMENTS SHALL INCLUDE:
24

- 25
- 26 A. THE IDENTITY OF THE PARTIES AND THE DEVELOPMENT PROJECT TO
27 WHICH THE AGREEMENT APPLIES.
28
 - 29 B. A DESCRIPTION OF IMPROVEMENTS TO THE SEWERAGE SYSTEM AND
30 WATER SYSTEM COMPONENTS FOR WHICH THE DEVELOPER AGREES TO
31 PAY DEVELOPER'S PROPORTIONATE SHARE OF THE COST OF SEWERAGE
32 SYSTEM AND WATER SYSTEM IMPROVEMENTS.
33
 - 34 C. THE PERCENTAGE AND AMOUNT OF THE DEVELOPER'S PROPORTIONATE
35 SHARE OF THE COST OF SEWERAGE SYSTEM AND WATER SYSTEM
36 IMPROVEMENTS AS REASONABLY DETERMINED BY THE DIRECTOR OF
37 PUBLIC WORKS.
38
39

1 D. PROVISIONS AND A SCHEDULE FOR THE DEVELOPER, AND ITS SUCCESSORS
2 AND ASSIGNS, TO PAY DEVELOPER'S PROPORTIONATE SHARE OF THE COST
3 OF SEWERAGE SYSTEM AND WATER SYSTEM IMPROVEMENTS.
4

5 E. PROVISIONS FOR ENFORCEMENT OF THE DEVELOPER'S AGREEMENT TO
6 PAY DEVELOPER'S PROPORTIONATE SHARE OF THE COST OF SEWERAGE
7 SYSTEM AND WATER SYSTEM IMPROVEMENTS, INCLUDING PROVIDING
8 FOR A LIEN ON DEVELOPER'S PROPERTY TO SECURE THE REPAYMENT OF
9 DEVELOPER'S AGREEMENT.
10

11 §302-7. DEVELOPMENT OF POLICIES.
12

13 THE DIRECTOR OF PUBLIC WORKS SHALL DEVELOP POLICIES THAT ESTABLISH A
14 UNIFORM METHODOLOGY FOR THE DIRECTOR TO DETERMINE DEVELOPERS'
15 PROPORTIONATE SHARES OF THE COST OF SEWERAGE SYSTEM AND WATER
16 SYSTEM IMPROVEMENTS IN SEWER AND WATER SERVICE AREAS. IN ADDITION TO
17 SUCH OTHER PROVISIONS THAT THE DIRECTOR OF PUBLIC WORKS DEEMS
18 NECESSARY OR DESIRABLE, THE METHODOLOGY SHALL TAKE INTO ACCOUNT
19 THE FOLLOWING:
20

21 A. THE ESTIMATED LOADING, EXPRESSED IN EQUIVALENT DWELLING UNITS,
22 OF SEWERAGE AND WATER SYSTEM COMPONENTS FOR THE SERVICE AREA
23 IN WHICH THE DEVELOPER'S PROPERTY IS LOCATED.
24

25 B. DEFICIENCIES IN THE SEWERAGE AND WATER SYSTEM COMPONENTS FOR
26 THE SERVICE AREA IN WHICH THE DEVELOPER'S PROPERTY IS LOCATED.
27

28 C. THE ESTIMATED COST OF IMPROVEMENTS TO THE SEWERAGE AND WATER
29 SYSTEM COMPONENTS TO ELIMINATE DEFICIENCIES.
30

31 D. A DETERMINATION AND COMPARISON OF ESTIMATED WATER AND SEWER
32 USAGE, EXPRESSED IN EQUIVALENT DWELLING UNITS, FOR THE
33 DEVELOPER'S PROPERTY AND FOR ALL OTHER DEVELOPABLE PROPERTIES
34 IN THE SEWERAGE AND WATER SERVICE AREAS. THE DETERMINATION
35 AND COMPARISON FOR ALL OTHER DEVELOPABLE PROPERTIES IN THE
36 SERVICE AREAS SHALL BE COMPUTED UPON THE MAXIMUM
37 DEVELOPMENT POTENTIAL FOR EACH SUCH PROPERTY IN ACCORDANCE
38 WITH THAT PROPERTY'S ZONING CLASSIFICATION.
39

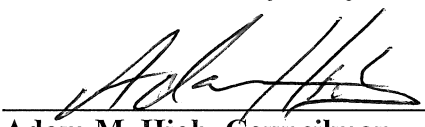
40 E. A DETERMINATION OF A DEVELOPER'S PRO-RATA SHARE OF THE COST OF
41 IMPROVEMENTS NEEDED TO REMEDY DEFICIENCIES IN THE SEWERAGE

1 AND WATER SYSTEM COMPONENTS FOR THE SERVICE AREA IN WHICH THE
2 DEVELOPER'S PROPERTY IS LOCATED.

3
4 **SECTION 3. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF**
5 **ABERDEEN**, that this Ordinance shall become effective at the expiration of twenty (20) calendar
6 days following adoption.
7

COUNCIL OF THE CITY OF ABERDEEN


Patrick L. McGrady, Mayor


Adam M. Hiob, Councilman


Jason W. Kolligs, Councilman


Sandra J. Landbeck, Councilwoman


Timothy W. Lindecamp, Councilman

ATTEST:


Monica A. Correll, City Clerk

SEAL:

Date June 7, 2021