

**RESOLUTION 19-R-26.** allocating capacity of City's Sewer System and establishing allowances and exceptions as provided in Chapter 33, Article V of the Murfreesboro City Code.

**WHEREAS,** Section 33-75(A) of the Murfreesboro City Code authorizes City Council, by resolution, to allocate the sewer capacity of the City's Sewer System among properties located within the City's corporate limits and properties currently located outside the City's corporate limits that are served or could potentially be served by the City's Sewer System; and

**WHEREAS,** such allocations shall be made by assigning a maximum daily wastewater generation allowance to each property based on the actual or projected land use of the property; and,

**WHEREAS,** Section 33-73 defines "Project" as (1) any proposed construction of a new building, facility, or group of buildings and/or facilities requiring one or more new water meters or new or larger connections to the City's Sewer System; or (2) any proposed renovation of an existing building or facility that requires a new water meter or new or larger connections to the City's Sewer System; and

**WHEREAS,** except as otherwise provided in Section 33-80 of the City Code, Section 33-75(C) requires all Projects approved by the City after the effective date of this resolution maintain an average wastewater generation level at or below the maximum daily wastewater generation allowance for the project's land use category established in the resolution; and

**WHEREAS,** the Murfreesboro Planning Commission and City Council have determined that the maximum daily wastewater generation allowances established by this resolution balance the needs of beneficial economic development with the increase in residential development in the City; and

**WHEREAS,** the Murfreesboro Planning Commission and City Council further find that the maximum daily wastewater generation allowances established by this resolution will help ensure that the City's sewer-system capacity remains sufficient to support all aspects of a growing community and allocates this limited capacity in a manner that is in the best interests and general welfare of the City's citizens; and

**WHEREAS,** the Murfreesboro Planning Commission and City Council have specifically determined that the economic benefits of development within the City's Central Business District, City Core Overlay, and Gateway Overlay Zones outweigh the impact of such developments on the City's sewer-capacity and that this balancing of interests warrants exempting properties located in these zones from any maximum daily wastewater generation requirement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:**

**SECTION 1.** As of the effective date of this resolution, each property located within the City's corporate limits and each property located outside the City's corporate limits that are currently served by the City's Sewer System shall be assigned the maximum daily wastewater generation allowance (measured in gallons per day per acre) set forth in **Table 1** that corresponds to the individual property's land-use classification. Except as otherwise provided in Section 33-80 of the City Code, all Projects approved by the City after the effective date of this resolution shall maintain an average wastewater generation at or below the maximum daily wastewater generation allowance set forth in **Table 1** for the Project's land-use category. The maximum allowances set forth in **Table 1** shall not apply to properties currently receiving sewer service as of the effective date of this resolution or to Projects approved by the City as of the effective date of this resolution, unless either: (1) an owner or developer applies to the City for approval of a new building, facility, or group of buildings and/or facilities on the property that will require one or more new water meters or a new or larger connection to the City's Sewer System; or (2) an owner or developer applies to the City for the approval of a renovation of an existing building or facility will require one or more new water meters or a new or larger connection to the City's Sewer System.

**TABLE 1**  
**Maximum Daily Wastewater Generation Allowance**

Land-Use Classification	Included Zoning Classifications	Maximum Daily Allowance (gallons per acre per day)	Single-Family-Unit Equivalents (SFUE) per Acre
Commercial	CM-R, CM, CM-RS-8, OG-R, OG, CL, CF, CH, and PCD	650	2.5
Industrial	G-I, H-I, L-I, PID	1,040	4.0
Low-Density Residential	RS-15, RS-12, RS-10, and PRD (if average lot size $\geq$ 10,000 sq. ft.)	780	3.0
Medium-Density Residential	RS-8, RS-6, RS-4, R-D, RS-A, PRD (townhome only), and PRD (mixed-housing type or where average lot size <10,000 sq. ft.)	1,820	7.0
High-Density Residential	RM-12, RM-16, R-MO, PRD (apartment only) and CU (dormitories only)	2,340	9.0
Mixed-Use	MU and PUD	1,040	4.0
College and University; Institutional	CU (except dormitories), PND	880	3.4

Land-Use Classification	Included Zoning Classifications	Maximum Daily Allowance (gallons per acre per day)	Single-Family-Unit Equivalents (SFUE) per Acre
Parks	P	130	0.5
Central Business District, City Core Overlay, and Gateway Overlay	CBD, CCO, GDO	No Limit	No Limit

SECTION 2. Notwithstanding the fact that projects located in the City's CBD, CCO, and GDO Zones are not subject to any maximum daily wastewater generation allowance, an Owner/Developer (as defined in the Section 33-73 of the City Code) for such projects must pay a one-time fee equal to \$2,550.00 for every 260 gallons per acre per day of wastewater in excess of 2,340 gallons per day that the project is expected to generate. The City will not grant the requested allocation or issue a Will-serve Letter for the project until this fee plus any applicable special sanitary sewer assessment fees are paid in full. Furthermore, and notwithstanding the payment of the aforementioned fees, the City reserves the right to deny a rezoning application in the event the City Council, upon considering the criteria set forth in Section 33-79 of the City Code, that the proposed development project's expected wastewater generation is likely to place an undue burden on the City's Sewer System relative to the proposed project's likely benefits to the City or that the proposed development is otherwise inconsistent with the general welfare of the City and its residents.

SECTION 3. In the interest of mitigating the burden of the new sewer-capacity allocation regulations on development projects already underway, the following development projects shall be exempted from the maximum daily wastewater generation allowances set forth in Table 1:


1. Projects that have received a Will-serve letter from the City less than 365 days before this Resolution 's effective date;
2. Projects where the developer has undertaken a capacity study through either a flow-monitoring analysis or pump station assessment and where such study has demonstrated adequate capacity for the proposed development density;
3. Projects whose site plan receives Planning Commission or Administrative approval on or before April 15, 2020;
4. Projects whose preliminary plat receives Planning Commission or Administrative approval on or before April 15, 2020;
5. Projects subject to current bulk zoning requirements, provided the site plan or preliminary plat for such projects receives Planning Commission or Administrative approval on or before April 15, 2020; an applicant may request a higher sewer allocation per the proposed ordinance prior to or simultaneous with the submittal of a site plan or a preliminary plat.

6. Planned development projects whose development plan has been approved by the Planning Commission and City Council prior to the effective date of this Resolution.
7. Planned development projects for which a current rezoning application has been received by the City and whose approval by the Planning Commission and/or City Council is pending as of the effective date of this Resolution.

Notwithstanding the forgoing exemptions, the sewer demand for any planned development project—existing, approved, or proposed—must be clearly determinable from the development plan documents on file with the City to qualify under any one of these exemptions. If in the opinion of the Water Resources Director in consultation with the Planning Director the sewer demand for a development project cannot be determined from the examination of the development plan documents on file with the City, the Owner/Developer must petition the City Council for an additional sewer allocation as provided in Section 33-80 of the City Code.

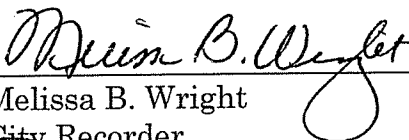
SECTION 4. This resolution shall take effect as of the effective date of Ordinance 19-O-47, the public welfare and the welfare of the City requiring it.

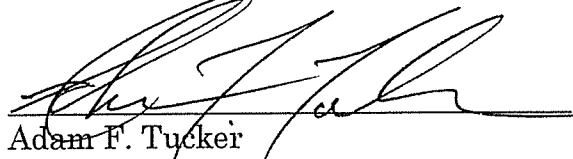
Passed: November 21, 2019

  
Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Melissa B. Wright  
City Recorder

  
Adam F. Tucker  
City Attorney

