

## CITY OF DOVER ORDINANCE #2014-15

### BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 110 - Utilities, Article III - Water Service, Division 3 - Water Impact Fees, Section 110-207 - Establishment of Equivalent Dwelling Units of the Dover Code be amended to read as follows:

#### **Sec. 110-207. Establishment of equivalent dwelling units.**

- (a) *Determination for residential dwellings.* Whenever by ordinance or by contract the city imposes or assesses water charges or fees on the basis of EDUs, an EDU shall be determined in the same manner as wastewater collection charges or fees and as defined in the most recent impact fee ordinance adopted by Kent County Levy Court. An EDU for a residential dwelling shall be determined as follows:
- (1) Houses, dwellings, mobile homes and apartments with one kitchen and one or more baths and bedrooms separate from the kitchen .....1.0 EDU
  - (2) Efficiency unit or cottage having a living space in one room and having one bath .....1.0 EDU
  - (3) Dwelling with one kitchen and one or more baths and bedrooms separate from the kitchen and attached to other dwellings or structures .....1.0 EDU
- (b) *Determination for nonresidential establishments.* Whenever by ordinance or by contract the city imposes or assesses water charges or fees on the basis of EDUs, the number of EDUs to be charged shall be determined in the same manner as wastewater collection charges or fees and using the appropriate specific assessment as defined in the most recent impact fee ordinance adopted by Kent County Levy Court. When users propose water usage under circumstances other than the specific assessments defined by the county, the city's impact fee shall be calculated by the city engineer based on flow in GPD. In such cases where the impact fee is calculated by flow, each EDU shall be equal to 250 GPD.
- (c) *Minimum assignment.* A minimum of one EDU will be assigned to each establishment connecting to the system. No fractional parts of EDUs will be assigned. The number of EDUs shall be rounded up to the nearest whole number of EDUs.
- (d) *No assignment.* If an establishment does not have any physical facilities which result in a water demand on the city's water system, then the number of EDUs assigned to it shall be zero.
- (e) *Maximum assignment.* For projects that have a significant impact on the City's Utility, City Council may consider a maximum assignment of EDUs. A project will be considered to have a significant impact if it will contribute in excess of 100 EDUs. In these cases, City Council may reduce the number of assigned EDUs to as low as 100 EDUs if an economic benefit to the City of Dover is demonstrated. Any request that will contribute less than 100 EDUs will not be eligible for a reduction. Maximum assignment of EDUs in excess of 100 EDUs will only apply to projects or connections with building permits issued after July 28, 2014. Any project with a building permit issued prior to July 28, 2014 will be subject to a maximum assignment of no more than 100 EDUs.

**BE IT FURTHER ORDAINED:**

That Chapter 110 - Utilities, Article IV - Sanitary Sewer Service, Division 3 - Wastewater Collection Impact Fees, Section 110-282 - Establishment of Equivalent Dwelling Units of the Dover Code be amended by deleting the text indicated in red strikethrough and inserting the bold, blue text, as follows:

Sec. 110-282. Establishment of equivalent dwelling units.

- (a) *Determination for residential dwellings.* Whenever by ordinance or by contract the city imposes or assesses wastewater collection and transmission charges or fees on the basis of EDUs, an EDU shall be determined as defined in the most recent impact fee ordinance adopted by the Levy Court of the county. An EDU for a residential dwelling shall be determined as follows:
- (1) Houses, dwellings, mobile homes and apartments with one kitchen and one or more baths and bedrooms separate from the kitchen .....1.0 EDU
  - (2) Efficiency unit or cottage having a living space in one room and having one bath .....1.0 EDU
  - (3) Dwelling with one kitchen and one or more baths and bedrooms separate from the kitchen and attached to other dwellings or structures .....1.0 EDU
- (b) *Determination for nonresidential establishments.* Whenever the city imposes or assesses wastewater collection and transmission charges or fees on the basis of EDUs, the number of EDUs to be charged shall be determined using the appropriate specific assessment as defined in the most recent impact fee ordinance adopted by the Levy Court of the county. When users propose to discharge wastewater under circumstances other than the specific assessments defined by the county, the city's impact fee shall be calculated by the city engineer based on flow in GPD. In such cases where the impact fee is calculated by flow, each EDU shall be equal to 300 GPD.
- (c) *Minimum assignment.* A minimum of one EDU will be assigned to each establishment connecting to the system. No fractional parts of EDUs will be assigned. The number of EDUs shall be rounded up to the nearest whole number of EDUs.
- (d) *No assignment.* If an establishment does not have any physical facilities which have a load producing an effect on the city's wastewater collection and transmission system, then the number of EDUs assigned to it shall be zero.
- (e) *Maximum assignment.* For projects that have a significant impact on the City's Utility, City Council may consider a maximum assignment of EDUs. A project will be considered to have a significant impact if it will contribute in excess of 100 EDUs. In these cases, City Council may reduce the number of assigned EDUs to as low as 100 EDUs if an economic benefit to the City of Dover is demonstrated. Any request that will contribute less than 100 EDUs will not be eligible for a reduction. Maximum assignment of EDUs in excess of 100 EDUs will only apply to projects or connections with building permits issued after July 28, 2014. Any project with a building permit issued prior to July 28, 2014 will be subject to a maximum assignment of no more than 100 EDUs.

ADOPTED: JULY 28, 2014

**SYNOPSIS**

The proposed amendment would remove the current impact fee cap of 100 EDUs per certificate of occupancy. Developers of projects equal to or in excess of 100 EDU's that can demonstrate their economic benefit to the City of Dover may request City Council to reduce the number of assigned EDUs to as low as 100 EDUs. This amendment would be applied to projects with building permits issued after July 28, 2014. Projects with building permits issued prior to July 28, 2014 would be subject to the prior cap of 100 EDU's.

(SPONSORS: BONAR, HUTCHISON, AND KOENIG)

Actions History

- 07/28/2014 - Final Reading at Council
- 07/14/2014 - First Reading at Council
- 06/23/2014 - Introduced at Utility Committee