

# CITY OF CONCORD

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*In the year of our Lord two thousand and twenty-one*

**AN ORDINANCE** amending the CODE OF ORDINANCES, Title I, General Code; Chapter 9, Water, Article 9-4, Water and Sewer Investment Fee

**The City of Concord ordains as follows:**

**SECTION I:** Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 9, Water, Article 9-4, Water and Sewer Investment Fee, by amending Section 9-4-4, Special Water Investment Fee, as follows:

9-4-4 - Special Water Investment Fee.

(a) *Properties to be Assessed.* When a Water System Capital Improvement paid for by the Water Fund or the General Fund of the City either:

- (1) Provides for the extension of water service to a new service area; or
- (2) Substantially improves water service to a limited portion of the water system;

and, the area to which service is extended or in which it is substantially improved by the capital improvement is designated as a Water Service Improvement Area by the City Council, the users who receive the direct benefit of the extension or improvement shall pay a Special Water Investment Fee. ***Except, in instances where the applicant seeking the connection is required to construct an extension of 50' or more to the City's water system in the public right of way to service the applicant's property, [An] an*** owner of property benefiting from such extension or improvement shall, at the time the property is connected to the City's water system or at the time of an increase in the size of the water service to the property, pay to the ***General Services*** ~~[Water Resources]~~ Department a fee based upon the proportionate peak demand placed upon the extension or improvement as indicated by meter size.

(b) *Special Water Investment Fee Calculation.* The Director of ***General Services*** ~~[Water Resources]~~ shall calculate Special Water Investment Fees for each Water Service Improvement Area designated by the City Council as follows:

- (1) The useable land for each zoning district contained within the Water Service Improvement Area shall be calculated in accordance with Section 28-2-1 of the Zoning Ordinance.
- (2) The area of useable land for each zoning district contained within the Water Service Improvement Area shall be reduced by thirty (30) percent in order to allow for minor undevelopable areas, roadways, drainage systems, easements, and irregularities in lot shape. The result shall be considered refined useable land area.
- (3) The refined useable land area shall be divided by the minimum lot size for each zoning district within the Water Service Improvement Area to determine the estimated number of developable lots by residential, business and industrial zoning category.
- (4) An equivalent service capacity shall be determined for each Water Service Improvement Area by multiplying the estimated number of developable residential lots by the equivalence factor of 1.00; the estimated number of developable business lots by the equivalence factor of 2.56; and the estimated number of developable industrial lots by the equivalence factor of 10.24 and summing the result.
- (5) The total cost to the Water Fund or the General Fund of the Water System Capital Improvement shall be divided by the equivalent service capacity to determine a Unit Special Water Investment Fee for the Water Service Improvement Area.
- (6) The Special Water Investment Fee for each connection to the water system in a Water Service Improvement Area shall be paid at the time of connection to the City's water system based upon the size of the water meter installed multiplied by the equivalence factor for the size meter as provided in Section 9-4-3(e) times the Unit Special Water Investment Fee for the Water Service Improvement Area in which the property is located. ***In instances where the applicant seeking the connection is required to construct an extension of 50' or more to the City's water system in the public right of way to service the applicant's property, the Director of General Services may allow the Special Water Investment Fee to be paid over a 10 year period through the regular water billing process for the property.***

**SECTION II:** Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 9, Water, Article 9-4, Water and Sewer Investment Fee, by amending Section 9-4-5, Special Sewer Investment Fee, as follows:

9-4-5 - Special Sewer Investment Fee.

- (a) Properties to be Assessed. When a Sewer System Capital Improvement paid for by the Sewer Fund or the General Fund of the City either:
  - (1) Provides for the extension of sewer service to a new service area; or

(2) Substantially improves sewer service to a limited portion of the sewer system; and, the area to which service is extended or in which it is substantially improved by the capital improvement is designated as a Sewer Service Improvement Area by the City Council, the users who receive the direct benefit of the extension or improvement shall pay a Special Sewer Investment Fee. ***Except, in instances where the applicant seeking the connection is required to construct an extension of 50' or more to the City's sewer system in the public right of way to service the applicant's property,*** [An] ***an*** owner of property benefiting from such extension or improvement shall, at the time the property is connected to the City's sewer system or at the time of an increase in the size of the sewer service to the property, pay to the ***General Services*** [Water Resources] Department a fee based upon the proportionate peak demand placed upon the extension or improvement as indicated by water meter size.

(b) ***Special Sewer Investment Fee Calculation.*** The Director of ***General Services*** [Water Resources] shall calculate Special Sewer Investment Fees for each Sewer Service Improvement Area designated by the City Council as follows:

- (1) The useable land for each zoning district contained within the Sewer Service Improvement Area shall be calculated in accordance with Section 28-2-1 of the Zoning Ordinance.
- (2) The area of useable land for each zoning district contained within the Sewer Service Improvement Area shall be reduced by thirty (30) percent in order to allow for minor undevelopable areas, roadways, drainage systems, easements, and irregularities in lot shape. The result shall be considered refined useable land area.
- (3) The refined useable land area shall be divided by the minimum lot size for each zoning district within the Sewer Service Improvement Area to determine the estimated number of developable lots by residential, business and industrial zoning category.
- (4) An equivalent service capacity shall be determined for each Sewer Service Improvement Area by multiplying the estimated number of developable residential lots by the equivalence factor of 1.00; the estimated number of developable business lots by the equivalence factor of 2.56; and the estimated number of developable industrial lots by the equivalence factor of 10.24 and summing the result.
- (5) The total cost to the Sewer Fund or the General Fund of the Sewer System Capital Improvement shall be divided by the equivalent service capacity to determine a Unit Special Sewer Investment Fee for the Sewer Service Improvement Area.
- (6) The Special Sewer Investment Fee for each connection to the water system in a Sewer Service Improvement Area shall be paid at the time of connection to the City's sewer system based upon the size of the water meter installed multiplied by the equivalence factor for the size meter as provided in Section 9-4-3(e) times the

Unit Special Sewer Investment Fee for the Sewer Service Improvement Area in which the property is located. ***In instances where the applicant seeking the connection is required to construct an extension of 50' or more to the City's sewer system in the public right of way to service the applicant's property, the General Services Director may allow the Special Sewer Investment Fee to be paid over a 10 year period through the regular sewer billing process for the property.***

**SECTION III:** This Ordinance shall take effect upon its passage.

Explanation: Matter added to the current ordinance appears in ***bold italics***.

Matter removed from the current ordinance appears in [brackets and ~~struck through~~].