

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

ORDINANCE 20-0217-01

AN ORDINANCE TO AMEND CHAPTER 54, ARTICLE XIV, SECTION 54-32 OF THE DELAWARE CITY CODE RELATING TO APPLICATION OF IMPACT FEES ON THE DOWNTOWN DEVELOPMENT DISTRICT

WHEREAS, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter ("Charter"), and pursuant to the "Powers of the City," outlined in Article II, § 2-1 of the Charter, the Mayor and the Council of The City of Delaware City ("City Council") possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code ("Code");

WHEREAS, under the Downtown Development Districts Act, 22 *Del.C.* §§ 1901 *et seq.* (the "Act"), the State of Delaware may designate districts within Delaware's cities, towns, and unincorporated areas that will qualify for significant development incentives and other State benefits; and

WHEREAS, a portion of the City of Delaware City (the "City") was designated as a Downtown Development District ("DDD") on August 18, 2019; and

WHEREAS, as a condition of said designation, the City committed to enacting various "local incentives" to help achieve the purposes set forth in the Act; and

WHEREAS, on January 27, 2020, the City Council adopted Ordinance 19-1216-01, imposing impact fees on new construction, as Article XIV, Chapter 54, Section 54-32 ("Impact Fees").

WHEREAS, the City Council has determined that it is prudent to exempt the DDD from the imposition of Impact Fees to honor the spirit and purpose of the designation under the Act.

NOW, THEREFORE, the Mayor and City Council believe this amendment is in the best interest of the City and necessary to enhance the health, safety, and welfare of the City of Delaware City, to promote new development and to encourage owner occupied residences, the

Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

Section 1. **Amendment.** Chapter 54, Article XIV, Section 54-32 of the Delaware City Code entitled “Impact Fees” is hereby amended to add the following underlined language:

H. Exemption of Impact Fees.

The Downtown Development District (DDD) is hereby exempt from Impact Fees.

Section 2. **Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council’s intent.

Section 3. **Effective Date.** This Ordinance shall become effective immediately upon passage.

(Signature Page Follows)

ADOPTED BY THE MAYOR AND COUNCIL, this ____ day of _____, 2020.

ATTEST:

City Secretary

Mayor

APPROVED AS TO FORM:

Council Member

City Solicitor

Council Member

Council Member

Council Member

Council Member

First Reading on _____,

Second Reading, Public Hearing, and Final Passage on _____.