AN ORDINANCE TO AMEND
THE IMPACT FEE ORDINANCE
OF COWETA COUNTY, GEORGIA
TO PROVIDE FOR TWO-PART PAYMENTS
OF FEES AND FOR OTHER PURPOSES

WHEREAS, Coweta County, Georgia adopted an impact fee ordinance on April 4, 2006, as amended; and

WHEREAS, the Board of Commissioners of Coweta County, Georgia finds that to assist developments of significant impact within Coweta County, the County should allow impact fees to be paid in incremental payments during the construction process.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Coweta County, Georgia and it is hereby ordained by the Authority of the same that Section 5.02 of the Impact Fee Ordinance of Coweta County is hereby deleted in its entirety and replaced with the following:

“5.02. Timing of Assessment and Payment.

1. Development impact fees shall be assessed and paid no later than the issuance of a building permit, except:
   a. When the applicant appeals the development impact fee assessment for any reason as set forth in this Ordinance. In such a case, the applicant shall pay 85% of the original assessment. No Certificate of Occupancy shall be issued until the appeal is resolved; or
   b. When the development impact fee assessed for a single project is greater than $10,000, the applicant may make a request to the Impact Fee Administrator or his designee to pay the fee in four (4) equal payments at such times during the construction process as determined by the Coweta County Building Official or his designee. If the applicant qualifies for a four-part payment, the Impact Fee Administrator or his designee shall determine the amounts to be paid and forward approval of the payments scheduled to the Building Department. If the fee is to be paid in four (4) payments, one payment shall be made at the time of the issuance of the building permit and the remaining balance shall be paid not later than the issuance of a Certificate of Occupancy. No Certificate of Occupancy shall be issued until the development impact fee has been paid in full.

2. Unless otherwise provided by state law, all development impact fees shall be collected no earlier than the time of issuance of a building permit, and no later than as a prerequisite to issuance of a Certificate of Occupancy for the building.

3. For projects not involving issuance of a building permit, all development impact fees shall be collected at the time of approval of the development permit or such other authorization to commence construction or to commence use of a property.

4. If the final use of a building cannot be determined at the time of the initial building permit, the Administrator shall have the authority to assess a development impact fee based on the most likely use of the building, and shall adjust the fee in accordance with the actual use prior to issuance of an interior finishes permit or approval of a Certificate.
of Occupancy. An adjustment may result in a refund to the feepayer or payment of the increase of the adjusted fee over the amount already paid.

a. In the case of an industrial speculative building shell, at the feepayer’s option, the impact fee category used for the initial building permit shall be the same as assessed for a “high-cube warehouse,” and shall be adjusted in accordance with the actual use prior to issuance of an interior finishes permit for such use.

b. In the case of a multiple-occupancy commercial building, such as a strip center or shopping center, at the feepayer’s option the impact fee category used for the initial building permit shall be the same as assessed for a “furniture store,” and shall be adjusted in accordance with the actual use prior to issuance of an interior finishes permit.

c. The impact fee assessed for an interior finishes permit for each actual use shall be based on the gross floor area of the actual use, and a credit for the impact fee payment for the initial building permit shall be prorated to the actual use as a percentage of the gross floor area of the entire building that the actual use will occupy.

5. Notwithstanding any other provision of this Ordinance, any future change in demand for public facilities in excess of the average demand anticipated at the time of issuance of the building permit shall be assessed such additional fee as would otherwise have been due. Future changes in demand may result from a change in the land use category of the occupant of the building or property, the expansion of a building or use on a property that results in an increase in the units of developments (as defined herein), or the subsequent discovery of facts unknown or misrepresented at the time of issuance of the building permit.”

SO ORDAINED in lawfully assembled session this 5th day of May, 2012.

BOARD OF COMMISSIONERS
OF COWETA COUNTY, GEORGIA

[Signatures]

Chairman
Jim Lassett

Paul Toog

Bob Blackburn

Attest: Elizabeth Pike
Clerk