



AGENDA STAFF MEMO

TO: Honorable Mayor and City Council Members
FROM: Diana Wheeler, Interim Community Development Director
DATE: March 3, 2025, For April 14, 2025, Regular City Council Meeting (First Presentation March 17, 2025)

Signed by:

Diana Wheeler

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AGENDA ITEM: Consideration of a Text Amendment to the City Code of Milton Chapter 25, Impact Fees, Sec. 25-5(b), Timing of Assessment and Payment.

SUMMARY:

The attached proposed amendment to Chapter 25 Impact Fees will clarify that the collection of impact fees occurs at the time a building permit is issued. Previously, the applicant has been given a choice when to pay the impact fee which is almost always paid at the time of the issuance of a Certificate of Occupancy.

FUNDING AND FINANCIAL IMPACT:

By requiring the payment of the Impact fee at the time of building permit issuance, the collection of fees will be timelier and will provide the funds to expend on the list of projects outlined in the July 2024 approved Capital Improvements Element (CIE).

ALTERNATIVES:

The Mayor and City Council can choose not to approve this amendment to Chapter 25 Impact Fees.

REVIEW & APPROVALS:

Legal Review: Paul Frickey, Jarrard & Davis, LLP – February 2025

Concurrent Review: Steven Krokoff, City Manager –

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Steven Krokoff

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ATTACHMENT(S):

Ordinance for Chapter 25 Impact Fees

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**AN ORDINANCE TO AMEND CHAPTER 25, IMPACT FEES, SEC. 25-5(B) TIMING
OF ASSESSMENT AND PAYMENT OF THE CITY CODE FOR THE CITY OF MILTON,
GEORGIA**

BE IT ORDAINED by the City Council of the City of Milton, GA while in a regularly called council meeting on April 14, 2025, at 6:00 p.m. as follows:

SECTION 1. That Sec. 25-5(b)Timing of Assessment and Payment in Chapter 25, Impact Fees of the City Code for the City of Milton, Georgia as it relates to clarifying the when the payment of impact fees shall be collected is amended as shown in Exhibit "A", attached hereto and incorporated as if fully set forth herein;

SECTION 2. That all ordinances, parts of ordinances, and regulations in conflict herewith are repealed; and

SECTION 3. That this Ordinance shall become effective upon its adoption.

ORDAINED this the 14th day of April 2025.

Peyton Jamison, Mayor

Attest:

Tammy Lowit, City Clerk

EXHIBIT "A"

Sec. 25-5. - Fee assessment and payment.

(a) Fee schedule.

- (1) Payment of a development impact fee pursuant to the fee schedule attached hereto and incorporated herein as Attachment A, shall constitute full and complete payment of the project's proportionate share of system improvements as individually levied by the City, and shall be deemed to be in compliance with the requirements of this ordinance.
- (2) When a land development activity for which an application for a building permit has been made includes two or more buildings, structures or other land uses in any combination, including two or more uses within a building or structure other than a shopping center, the total development impact fee shall be the sum of the fees for each and every building, structure, or use, including each and every use within a building or structure. Shopping centers shall be assessed a single impact fee, in accordance with Attachment A, as a single use without regard to its individual tenants.
- (3) In the event that an applicant contends that the land use category of the proposed development is not shown on the fee schedule or fits within a different category, then:
 - a. The administrator in his or her reasonable discretion shall make a determination as to the appropriate land use category and the appropriate development impact fee.
 - b. In making such determination, the administrator may require such additional information from the applicant as necessary to form a logical fee determination relative to the land use categories shown on the adopted fee schedule.
 - c. If the land use of the proposed development is not similar to a land use category shown on the adopted fee schedule, then an appropriate fee may be determined by the administrator as an individual assessment in accordance with the individual assessment determinations section of this ordinance.
 - d. Appeals from the decision of the administrator shall be made to the City Council in accordance with the administrative appeals section of this ordinance.

(b) Timing of assessment and payment.

- (1) Development impact fees shall be assessed ~~and collected~~ at the time of issuance of application for a building permit.
- ~~(2) All development impact fees shall be collected no earlier than at the time of issuance of a building permit, and no later than as a prerequisite to issuance of an~~

EXHIBIT "A"

~~interior finishes permit or a certificate of completion or occupancy for the building or building shell.~~

~~(3)~~(2) 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, whichever is earliest.

~~(4)~~(3) 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 following:

- a. Prior to the completion of the project, and as a condition to the issuance of an interior finishes permit or a certificate of occupancy, as applicable, the developer shall recertify in writing to the administrator the actual land use or uses of the project, and shall present an architect's certificate of the actual gross square footage of floor area attributable to each use.
- b. In the event that the actual land use or uses and/or the actual gross square footage applicable to the actual land use or uses differs from that originally certified, and in the event that the impact fee applicable to the actual land use or uses and/or gross square footage exceeds the impact fee previously paid, the developer shall be required to pay the amount of the excess as a condition to the issuance of an interior finishes permit or a certificate of occupancy.
- c. The amount of the excess shall be based upon the impact fee schedule in effect on the date the interior finishes permit or the certificate of completion or occupancy is issued.
- d. If the actual gross square footage constructed after the issuance of the building permit is less than the amount originally certified, the developer shall be entitled to a refund of the excess portion of the fee in accordance with this ordinance.

~~(5)~~(4) Notwithstanding any other provision of this ordinance to the contrary, any future change in demand for public facilities in excess of the average demand anticipated at the time of issuance of the original building permit shall result in the assessment of 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 development (as defined herein), or the subsequent discovery of facts unknown or misrepresented at the time of issuance of the original building permit.