

03-O-1841

03-0-1841

**AN ORDINANCE BY:
COUNCILMAN HOWARD SHOOK AS SUBSTITUTED BY
COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE**

AN ORDINANCE AMENDING BY SECTION 19-1014(c) AND 19-1014(e) OF THE ATLANTA CITY CODE FOR THE PURPOSE OF EXTENDING THE DATE BY WHICH PRE-ORDINANCE IMPACT FEE CREDITS MUST BE UTILIZED BY THOSE PERSONS TO WHOM SUCH CREDITS WERE ISSUED; AND FOR OTHER PURPOSES.

WHEREAS, on March 18, 1993, the City Council of the City of Atlanta passed Ordinance 92-O-1817 which imposed the City of Atlanta Development Impact Fee Ordinance (the "Impact Fee Ordinance") to regulate the use and development of land such that new growth and development would bear a proportionate share of the cost of public facilities needed to provide services; and

WHEREAS, on March 26, 1993, the Impact Fee Ordinance became effective by operation of law; and

WHEREAS, the Impact Fee Ordinance, as now codified in Section 19-1001 *et seq* of the Atlanta City Code, also allowed for credits against future impact fees to be given for the construction, contributions or dedications by developers which had occurred prior to the effective date of the Impact Fee Ordinance ("pre-ordinance credits"); and

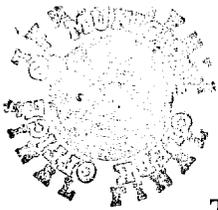
WHEREAS, pre-ordinance credits were given only for those projects, which involved the construction, contributions or dedications of improvements that provided additional public facilities needed to serve new growth and development; and

WHEREAS, the Impact Fee Ordinance required that pre-ordinance credits granted for the construction, contributions or dedications of improvements that provided additional public facilities be applied for prior to April 1, 1994 such that the amount of such pre-ordinance credits is now fixed and cannot be increased; and

WHEREAS, the Impact Fee Ordinance provided that the pre-ordinance credits must be used within ten years of the effective date of the Impact Fee Ordinance, which date is March 26, 2003; and

WHEREAS, the Impact Fee Ordinance currently provides that pre-ordinance credits must be used on or before March 26, 2004; and

WHEREAS, the Department of Planning and Neighborhood Development desires time to review the policies related to the expiration of pre-ordinance credits prior to their expiration;



THE CITY COUNCIL OF THE CITY OF ATLANTA GEORGIA HEREBY ORDAINS AS FOLLOWS:

SECTION 1: That the language of Section 19-1014(c) of the Atlanta City Code be and is amended to read as follows:

- (5) The time for persons entitled to a pre-ordinance credit for construction, contributions or dedications pursuant to subsection 19-1014(e), and limited by subsection 19-1014(c)(3) to 10 years from the effective date, is extended **until March 26, 2007.**

SECTION 2: That Section 19-1014(e) of the Atlanta City Code be and is amended to read as follows:

- (4) The time for the director to deduct from the present value of the development impact fee the present value of the development impact fee that would have been charged for buildings or improvements within the project had this chapter been in effect on the date that the building permit(s) for construction of said buildings or improvements was filed and which is limited by subsection 19-1014(e)(4) to permits filed prior to 10 years from the effective date is extended **until March 26, 2007.**

A true copy

A handwritten signature in black ink, appearing to be "K. S. ...", written over a horizontal line.

Deputy Clerk

ADOPTED by the City Council
APPROVED by the Mayor

December 1, 2003
December 9, 2003

RCS# 5190
12/01/03
5:15 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I EXCEPT: 1698,1851,1852,1881,
1309,2087,1719,1845,2164,
ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

			12-01-03 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1875	42. 03-R-1830	81. 03-R-2030	122. 03-R-2071
2. 03-O-1876	43. 03-R-1849	82. 03-R-2031	123. 03-R-2072
3. 03-O-1965	44. 03-R-2120	83. 03-R-2032	124. 03-R-2073
4. 03-O-2153	45. 03-R-2121	84. 03-R-2033	125. 03-R-2074
5. 03-O-1376	46. 03-R-2122	85. 03-R-2034	126. 03-R-2075
6. 03-O-1963	47. 03-R-2125	86. 03-R-2035	127. 03-R-2076
7. 03-O-1841	48. 03-R-2160	87. 03-R-2036	128. 03-R-2077
8. 03-O-1377	49. 03-R-2000	88. 03-R-2037	129. 03-R-2078
9. 03-O-1837	50. 03-R-2001	89. 03-R-2038	130. 03-R-2079
10. 03-O-1880	51. 03-R-2002	90. 03-R-2039	131. 03-R-2080
11. 03-O-1896	52. 03-R-2003	91. 03-R-2040	132. 03-R-2081
12. 03-O-1897	53. 03-R-2126	92. 03-R-2041	133. 03-R-2082
13. 03-O-1898	54. 03-R-2127	93. 03-R-2042	134. 03-R-2083
14. 03-O-1888	Items Adversed on consent	94. 03-R-2043	135. 03-R-2084
15. 03-O-2108	55. 03-R-2004	95. 03-R-2044	136. 03-R-2085
16. 03-O-2142	56. 03-R-2005	96. 03-R-2045	137. 03-R-2086
17. 03-O-2143	57. 03-R-2006	97. 03-R-2046	138. 03-R-2087
18. 03-O-2144	58. 03-R-2007	98. 03-R-2047	139. 03-R-2088
19. 03-O-1899	59. 03-R-2008	99. 03-R-2048	140. 03-R-2089
20. 03-O-2146	60. 03-R-2009	100. 03-R-2049	141. 03-R-2090
21. 03-R-2110	61. 03-R-2010	101. 03-R-2050	142. 03-R-2091
22. 03-R-2111	62. 03-R-2011	102. 03-R-2051	143. 03-R-2128
23. 03-R-2112	63. 03-R-2012	103. 03-R-2052	144. 03-R-2129
24. 03-R-2113	64. 03-R-2013	104. 03-R-2053	145. 03-R-2130
25. 03-R-2114	65. 03-R-2014	105. 03-R-2054	146. 03-R-2131
26. 03-R-2115	66. 03-R-2015	106. 03-R-2055	147. 03-R-2132
27. 03-R-2116	67. 03-R-2016	107. 03-R-2056	148. 03-R-2133
28. 03-R-2139	68. 03-R-2017	108. 03-R-2057	
29. 03-R-2140	69. 03-R-2018	109. 03-R-2058	
30. 03-R-2154	70. 03-R-2019	110. 03-R-2059	
31. 03-R-2166	71. 03-R-2020	111. 03-R-2060	
32. 03-R-2117	72. 03-R-2021	112. 03-R-2061	
33. 03-R-2158	73. 03-R-2022	113. 03-R-2062	
34. 03-R-2156	74. 03-R-2023	114. 03-R-2063	
35. 03-R-2165	75. 03-R-2024	115. 03-R-2064	
36. 03-R-2118	76. 03-R-2025	116. 03-R-2065	
37. 03-R-2119	77. 03-R-2026	117. 03-R-2066	
38. 03-R-2124	78. 03-R-2027	118. 03-R-2067	
39. 03-R-2150	79. 03-R-2028	119. 03-R-2068	
40. 03-R-2152	80. 03-R-2029	120. 03-R-2069	
41. 03-R-2159		121. 03-R-2070	

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(Do Not Write Above This Line)

Howard Shook

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COUNCILMEMBER HOWARD SHOOK

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ADOPTED BY

DEC 0 1 2003

COUNCIL

Substitute

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 10/20/03

Referred To: CD/H/R

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee CD/H/R

Date 10/28/03

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee CD/H/R

Date 11/2/03

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

CERTIFIED
 DEC 0 1 2003
 [Signature]

CERTIFIED
 DEC 0 1 2003
 [Signature]

MAYOR'S ACTION

APPROVED

[Signature] 12/9/2003

MAYOR