CITY of POOLER
GEORGIA

STATE OF GEORGIA }
)
COUNTY OF CHATHAM }

ORDINANCE O2026-3.C

Impact Fee Ordinance

AN ORDINANCE TO AMEND THE CITY OF POOLER CODE OF ORDINANCES, APPENDIX A- ZONING, ARTICLE III- GENERAL PROVISIONS, SECTION 13- RESERVED, TO PROVIDE PROVISIONS FOR DEVELOPMENT IMPACT FEES; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Pooler that the Code of Ordinances of the City of Pooler, Georgia are hereby amended as follows:

I

That APPENDIX A- ZONING, Article III- General Provisions, Section 13- Reserved, be amended by deleting the strikethrough language and adding the underlined text as follows:

Section 13 – ~~Reserved~~ Development Impact Fees

(A) *Intent*

The intent of this section is to comply with the Development Impact Fee Act (O.C.G.A. Title 36, Chapter 71), as amended.

(B) *Purpose*

The purpose of this section is to provide procedures and standards for payment of impact fees so that new growth and land development bears a proportionate share of the cost of off-site public expanded or new capital improvements needed to serve them. The assessment of impact fees correlates with public facilities identified in the Capital Improvement Element of the Comprehensive Plan. Impact fees are collected for public safety, recreation and parks and transportation facilities.

(C) *Impact Fee Required*

1. Any person who engages in a "development activity" must pay an impact fee in the manner and amount established by this ordinance.

2. Impact Fees must be collected at the time of the issuance of a building permit.

3. Impact fees shall be calculated at the time of the issuance of a building permit based on the current impact fee schedule in place at that time.

4. The impact fee provisions shall not apply to public projects.

(D) *Impact Fee Benefit District*

1. There shall be one impact fee benefit district that encompasses the entire City of Pooler.

2. Impact fees collected within the benefit district shall be spent within the benefit district.

(E) *Definitions*

1. *Affordable housing* is housing where the total monthly housing costs (including rent or mortgage, insurance and utilities) do not exceed 30% of a household's monthly gross income, typically for households earning below 80% of the Area Median Income (AMI) which is set annually by the Department of Housing and Urban Development (HUD).

2. *Building permit* is the permit required for new construction, completion of construction, or an interior finish pursuant to the applicable building code. As used herein, the term shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure provided there is no increase in the demand placed on those public facilities as defined herein.

3. *Capital improvement* means an improvement with a useful life of ten years or more, by new construction or other action, which increases the service capacity of a public facility.

4. *Capital improvements element* means a component of the Pooler Comprehensive Plan that sets out projected needs for system improvements during the planning horizon established therein, a schedule of capital improvements that will meet the anticipated need for system improvements, and a description of anticipated funding sources for each required improvement, as most recently adopted or amended by City Council.

5. *Comprehensive plan* means the City's plan or planning elements as adopted or amended in accordance with the Georgia comprehensive planning act (O.C.G.A. 50-8-1 *et seq.)* and the applicable minimum standards and procedures for local comprehensive planning as adopted by the Georgia Department of Community Affairs.

6. *Developer* means any person or legal entity undertaking development.

7. *Development* means any activity that involves the construction or expansion of a building, structure, or use; any change in use of a building or structure; or any change in the use of land; any of which creates additional demand and need for public facilities, as defined herein.

8. *Development approval* means written authorization, such as issuance of a building permit, land disturbance permit or other approval for grading or site plan, or other forms of official action required by local law or regulation which authorizes the commencement of construction.

9. *Development impact fee* means a payment of money imposed upon development as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve new growth and development.

10. *Encumber* means to legally obligate by contract or otherwise commit to use by appropriation or by other official act of the City Council.

11. *Feepayor* means that person or entity who pays a development impact fee, or his or her legal successor in interest where the right or entitlement to any refund of previously paid development impact fees which is required by this section has been expressly transferred or assigned to the successor in interest. In the absence of an express transfer or assignment of the right or entitlement to any refund of previously paid development impact fees, the right or entitlement shall be deemed "not to run with the land."

12. *Individual fee determination* means a finding by the administrator that an individual fee study does or does not meet the requirements for such a study as established by this section or, if the requirements are met, the fee calculated therefrom.

13. *Present value* means the current value of past, present, or future payments, contributions, or dedications of goods, services, materials, construction, or money, as calculated using accepted methods of financial analysis for determination of "net present value."

14. *Project* means a particular development on an identified parcel of land.

15. *Project improvements* means site improvements and facilities that are planned, designed, or built to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and that are not "system" improvements. The character of the improvement shall control a determination of whether an improvement is a "project" improvement or a "system" improvement, and the physical location of the improvement on-site or off-site shall not be considered determinative of whether an improvement is a "project" improvement or a "system" improvement. If an improvement or facility provides or will provide more than incidental service or facility capacity to persons other than users or occupants of a particular project, the improvement or facility is a system improvement and shall not be considered a project improvement. No improvement or facility included in a plan for public facilities and approved for public funding by the City of Pooler shall be considered a project improvement.

16. *Proportionate share* means that portion of the cost of system improvements that are reasonably related to the service demands and needs of a project.

17. *Public facilities* means (a) parks, open space, and recreation areas and related facilities; (b) public safety facilities, including police and fire rescue, emergency medical, and emergency management; and (c) public road or highway improvements.

18. *Service area* means a geographic area defined by the City Council, in which a defined set of public facilities provide service to development within the area.

19. *System improvement costs* means costs incurred to provide additional public facilities capacity to serve new growth and development for planning, design and construction, land acquisition, land improvement, design and engineering related thereto, including the cost of constructing or reconstructing system improvements or facility expansions. System improvement costs include but are not limited to the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorneys' fees, and expert

witness fees); and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvements element; and administrative costs, provided that such administrative costs shall not exceed 3 percent of the total amount of the costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued by or on behalf of the City of Pooler to finance the capital improvements element. System improvement costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

20. *System improvements* means capital improvements that are public facilities designed to provide service to more than one project or to the community at large, in contrast to "project" improvements.

21. *Unused or excess impact fee* means any individual impact fee payment from which no amount of money or only a portion thereof has been encumbered or expended according to the requirements of this article.

(F) *Development Impact Fee Schedule*

Impact fees shall be calculated as follows:

1. Unless an applicant requests an administrative determination or individual fee assessment as set forth in the following subsections, the impact fees shall be calculated for the proposed development based on the site plan approval or building permit allowing the use, according to the applicable impact fee schedule below.

2. For categories of uses not specified in the applicable impact fee schedule, staff shall apply the category of use set forth in the applicable impact fee schedule that is deemed to be most similar to the proposed use.

3. If the site plan approval or building permit for the proposed development indicates a mix of uses in the development, the impact fees shall be calculated separately for each use according to the impact fee schedule, and the results aggregated.

4. Impact fees for residential development will be assessed per dwelling unit, based on the square footage size of unit. Nonresidential impact fees will be assessed per square foot of floor area, according to four general types of development.

Maximum Allowable Impact Fees

Residential Development	Fees Per Unit				
Development Type	Parks	Police	Fire	Streets	Total
1,000 or less	$531	$172	$639	$832	**$2,173**
1,001 to 1,500	$740	$239	$891	$1,087	**$2,958**
1,501 to 2,000	$1,061	$343	$1,277	$1,473	**$4,155**
2,001 to 2,500	$1,304	$421	$1,569	$1,760	**$5,054**
2,501 to 3,000	$1,494	$483	$1,798	$1,990	**$5,764**
3,001 to 3,500	$1,657	$536	$1,995	$2,182	**$6,370**
3,501 to 4,000	$1,795	$580	$2,160	$2,343	**$6,879**
4,001 to 4,500	$1,913	$618	$2,302	$2,487	**$7,320**
4,501 to 5,000	$2,018	$652	$2,428	$2,616	**$7,714**
5,001 to 5,500	$2,116	$684	$2,547	$2,729	**$8,076**
5,501 or more	$2,201	$712	$2,649	$2,832	**$8,394**

Nonresidential Development	Fees per 1,000 Square Feet				
Development Type	Parks	Police	Fire	Streets	Total
Industrial	$0	$58	$220	$342	**$620**
Commercial	$0	$832	$3,144	$4,890	**$8,867**
Office & Other Service	$0	$369	$1,395	$2,170	**$3,935**
Institutional	$0	$508	$1,919	$2,984	**$5,411**

Residential Development- Fees based on square footage of home

Non-residential Development- Fees per 1,000 square feet of building

(G) *Individual Fee Determination*

1. If a developer believes that the impact of the proposed development will be substantially less than would be indicated by using the fee schedule above, then pursuant to O.C.G.A. § 36-71-4(g) the developer may apply for an individual fee determination. A developer applying for an individual fee determination must submit to the City Manager an individual fee calculation study, prepared by a Traffic Engineer or Engineering firm, for the development activity for which a building permit is sought which identifies the project's proportionate share.

2. The developer must attend a pre-application meeting with the City Manager, and no agreement or understanding in regard to data assumptions or methodology will be binding upon the City unless specifically agreed to by the City in writing. The documentation submitted must show the basis upon which the individual fee calculation was made and must be based on relevant and credible information from an accepted standard source of engineering or planning data.

3. The City Manager may accept the calculations of the individual fee determination if they find that the proposed development is in fact so unique in the impacts it will generate, that the strict application of the fee schedule would result in inaccurate impact projects and the fee differs by at least five percent from the fees under the fee schedule.

4. The City Manager must provide the developer with the individual fee determination within 30 days after presentation of the individual fee calculation study.

(H) *Application for Certification of Impact Fee*

Upon application to the City, any person contemplating development activity requiring payment of an impact fee shall apply for and will receive from staff a certification of the impact fee schedule or a certification of an individual fee determination. Applications for certification must include the following information and items:

1. A full and complete description of the project, including the proposed land use and development activity;

2. A statement as to whether the applicant seeks a certification of the impact fee schedule or a certification of an individual fee determination; and

3. If the applicant seeks a certification of an individual fee determination, an individual fee calculation study complying with the requirements of Sec. 13.G.

(I) *Procedures for Certification*

1. Staff must provide an applicant with a written certification of the impact fee schedule within 5 working days after their receipt of a completed application for certification of impact fees. The fee schedule certified by staff will establish the impact fee schedule for the proposed development activity for a period of 180 days from the date of certification. Staff will provide the applicant with a written certification of an individual fee determination within 30 days after receipt of a completed application.

2. The individual fee determination certified by staff will establish the impact fee for the proposed development activity for the 180-day period immediately following the date of such certification. Notwithstanding the issuance of any such certification, any changes in or additions to the proposed development activity different from the development activity identified in the original application will be subject to increased or additional impact fees to the extent that such changes or additions require capital improvements or facilities expansions. The additional impact fees will be based upon the impact fee schedule in effect at the time of any such change or addition.

(J) *Additional Requirements*

1. Notwithstanding any other provision of this Section, prior to engaging in development activity and in addition to any other applicable requirements, the developer must certify in writing to staff:

a. A full and complete description of the project;

b. A full and complete description of the proposed land use or uses; and

c. A statement of the gross square footage applicable to each category of land use.

2. Prior to the completion of the project, and as a condition to the issuance of a certificate of occupancy, the developer must recertify in writing to staff the actual land use or uses of the project and must present an architect's certificate of the actual gross square footage attributable to each use. 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 will be required to pay the amount of the excess as a condition to the issuance of a certificate of occupancy. The amount of the excess will be based upon the impact fee schedule in effect on the date the certificate of occupancy is issued. If the actual gross square footage constructed after the issuance of the building permit is less than the amount originally certified, the developer will be entitled to a refund of the excess portion of the fee.

3. Any future change in demand for public facilities more than the average demand anticipated at the time of issuance of the previously approved 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 development, or the subsequent discovery of facts unknown or misrepresented at the time of issuance of the building permit.

(K) *Payment of Impact Fees*

1. Any person required to pay impact fees pursuant to this Section must pay such fees in conjunction with the issuance of a building permit unless the City has previously approved a private development agreement providing for an alternative method of payment.

2. All funds collected pursuant to this Section must be promptly transferred for deposit into the appropriate impact fee trust fund to be held in separate accounts as provided for in this Section. Funds must be used solely for the purposes specified in this Section.

3. In lieu of all or part of the impact fee, the City may accept an offer to provide the items and/or services specified in this Section. Any such offer must comply with the requirements of Sec. 13.M, below. The portion of the fee represented by facility improvements will be deemed paid when the construction is completed and accepted by the City or when the person claiming such credit posts security for the cost of such construction as provided in Sec. 13.M, below. The portion of the fee represented by land dedication will be deemed paid when the title to said land has been accepted by the City.

(L) *Use of Funds*

1. Funds collected as impact fees must be used for the system improvements in the public facility category for which the development impact fee was assessed and collected.

2. Expenditures from the impact fee account for a particular public facility category shall be made only for projects that are listed for that category in the most recently adopted Capital Improvements Element of the Comprehensive Plan.

3. Qualifying improvements include project engineering costs, the acquisition cost of rights-of-way and easements, including legal costs, the construction cost of

improvements, and the principal, interest and other financing costs of bonds, notes or other obligations issued by or on behalf of the City to finance qualified improvements.

4. No funds may be used for periodic or routine maintenance or for any purpose not in accordance with the requirements of O.C.G.A. § 36-71-8.

5. Funds must be expended in the order in which they are collected, within six years of the collection date.

6. Each fiscal period, the City of Pooler Finance Director must present to the City Council an annual report describing the amount of impact fees collected, encumbered and used during the preceding year. Monies, including any accrued interest, not encumbered in any fiscal period will be retained in the same impact fee trust fund(s) until the next fiscal period except as provided in Sec. 13.O, below.

7. The City will be entitled to retain up to 3% of all impact fees it collects as an administrative fee to offset the costs of administering this Section.

8. Impact fees may be used for the payment of principal and interest on bonds, notes or other financial obligations issued by or on behalf of the City to finance system improvements.

(M) *Credits*

When eligible, fee payors will be entitled to a credit against impact fees otherwise due and owed under the circumstances and in the manner set forth in this Section.

1. Except as provided in Sec.13.M.2 below, no credit will be given for construction, contribution, or dedication of any system improvement or funds for system improvements made before the effective date of this Section.

2. If the value of any construction, dedication of land, or contribution of money made by a developer (or his predecessor in title or interest) for system improvements that are included among the improvements constituting the amount of an impact fee assessment, prior to the effective date of this Section or amendment thereto, is greater than the impact fee that would otherwise have been paid for the project, then the developer will be entitled to a credit for such excess construction, dedication, or funding. Notwithstanding anything to the contrary in this Section, any credit due under this Section will not constitute a liability of the City of Pooler and will accrue to the developer to the extent of impact fees assessed for new development for the same category of system improvements within the same service area.

3. In no event will credit be given for project improvements.

4. Credit will be given for the present value of construction of any portion of a project that is included in the impact fee project listing, or for the contribution or dedication of land or payment of money for such project, by a developer (or their predecessor in title or interest) for system improvements of the same public facilities category and in the same service area for which a development impact fee is imposed, provided that the City Manager must have explicitly approved the granting of such credit for the improvement, contribution, dedication, or payment and the value thereof prior to its construction, dedication, or transfer.

5. Developers who, following the approval of the City of Pooler, construct system improvements for which impact fees would otherwise be imposed and which are included in the impact fee project listing, will be entitled to a credit. The credit allowed pursuant to this Section will be equal to the present value of the cost of construction of the system improvement, up to a maximum of the impact fee due for such system improvement. In the event that a developer enters into a private agreement with the City of Pooler to construct, fund, or contribute system improvements such that the amount of the credit created is in excess of the impact fee which would otherwise have been paid for the development project, the developer must be reimbursed for such excess construction, funding, or contribution from impact fees paid by other development located in the service area which is benefited by such improvements.

6. For the construction of any system improvements by a developer or his predecessor in title or interest and accepted by the City of Pooler, the developer must present evidence satisfactory to the City Manager of the original cost of the improvement, from which present value may be calculated. A person proposing credit for system improvements must present cost estimates and property appraisals prepared by duly licensed and qualified professionals to be used by staff in determining the amount of the credit. All construction must be carried out in accordance with applicable City, County or State development and design standards.

7. For any contribution or dedication of land for system improvements by a developer or his predecessor in title or interest and accepted by the City of Pooler, the original value of the land must be the same as that attributed to the property by the validated tax appraisal at the time of dedication, from which present value may be calculated.

8. For any contribution of capital equipment that qualifies as a system improvement by a developer or his predecessor in title or interest and accepted by the City of Pooler, the value must be the original cost to the developer of the capital equipment or the cost that the City of Pooler would normally pay for such equipment, whichever is less.

9. For any contribution of money for system improvements from a developer or his predecessor in title or interest accepted by the City of Pooler, the original value of the money must be the same as that at the time of contribution, from which present value may be calculated.

10. In making a present value calculation, the discount rate used must be the net of the interest returned on a State of Georgia, AA rated or better municipal bond less average annual inflation, or such other discount rate as the Mayor and council in its sole discretion may deem appropriate.

11. Credits will be given only upon written request of the developer to the City of Pooler. Credits must be claimed at the time of the application for a building permit. Any credit not so claimed will not be available as to any impact fee owing with respect to that building permit.

12. In the event that an impact fee is paid but the building permit is abandoned, credit will be given for the present value of the impact fee against future impact fees for the same parcel of land, upon submission of adequate evidence to staff that an impact fee was received by the City of Pooler, the

amount paid, and that the building permit was abandoned. Such credit will be given upon issuance of the subsequent building permit. A building permit will be deemed abandoned if no construction has commenced prior to the expiration of the building permit.

13. Security in the form of a performance bond, or escrow agreement must be posted with the City and made payable to the City in the amount approved by staff equal to 110% of the full cost of the construction of such improvements. If a facility construction project will not be constructed within one year of the acceptance of the offer by the City, the amount of the security must be increased by 10% compounded, for each year of the life of the security. The security must be reviewed and approved by the City Attorney's office prior to the acceptance of the security by the City.

14. Credits must be represented by a written certificate (the "credit certificate") setting forth the name of the person or entity to whom the credit certificate is issued, the number of the credit certificate, and the amount of the credit. Each credit certificate must be numbered in the order in which it is issued and must be signed by the City Finance Director with the seal of the City affixed thereto. The City must also maintain a register (the "credit certificate register") which sets forth the name of the credit holder, the number of the credit certificate, the amount of the credit, and the name of any party entitled to the credit represented by the credit certificate.

15. The interest of a secured party will not be effective and will not be recognized by the City unless and until the City is in receipt of a written document satisfactory to the City signed by the secured party and the holder of the credit certificate verifying the creation of the security interest and directing the City to enter the secured party's name in the credit certificate register. Credits are transferable from one developer to another and from one project to another provided that such credits must not be transferred to a project in a different city and provided further that the transfer is accomplished in accordance with the provisions of this Section.

16. Transfers of credit certificates will only be effective when entered in the credit certificate register of the City upon surrender of the credit certificate signed and dated as of the date of the purported transfer by the person in whose name the credit certificate is registered or on his behalf by a person legally authorized to so sign. Any attempted transfer not in compliance with the terms of this Section will not be effective, will not be recognized by the City, and will result in the waiver and forfeiture of the credit. If the credit certificate to be transferred is subject to a security interest reflected in the credit certificate register, the surrendered credit certificate must also be accompanied by a written consent to transfer or release of security interest signed by the secured party. Upon compliance with the transfer provisions of this Section, the City will issue a new credit certificate in the name of the authorized transferee.

(N) *Exemptions*

1. The following are exempted from payment of impact fees:

a. Alteration or expansion of an existing building or use of land where no additional living units are created, where the use is not changed, and where no additional demand for system improvement facilities will result.

b. The construction of accessory buildings or structures which will not result in additional demand for system improvement facilities.

c. The replacement of a building or structure that was in place on the effective date of this ordinance, or the replacement of a building or structure that was constructed subsequently and for which the correct impact fee had been paid or otherwise provided for, with a new building or structure of the same use, provided that no additional vehicular trips will result.

d. All or part of a particular project which constitutes affordable housing, and that will increase the supply of housing that would be affordable to disadvantaged individuals or families.

2. A person claiming exemption(s) pursuant to a., b. or c. above must submit to staff information and documentation sufficient to permit staff to determine whether such exemption claimed is proper, and, if so, the extent of such exemption.

3. A person seeking exemption under paragraph d. above must submit to the City Council information and documentation sufficient to permit the City Council to determine whether such exemption claimed is proper, and, if so, the extent of such exemption.

4. Exemptions must be applied for at the time of the application for a building permit except in the case of a private development agreement. Any exemptions not so applied for will be deemed waived.

(O) *Grandfathered projects*

1. Notwithstanding any other provision of this article, that portion of a project for which a valid building permit has been issued for a platted and recorded lot prior to the effective date of this article, shall not be subject to any development impact fee as set forth in this article so long as the permit remains valid and construction has commenced and is pursued according to the terms of the permit.

a. Said construction shall be commenced, pursued, and completed within the allowable time established by the building permit. Any extension or reissuance shall require the applicant to pay the development impact fee as set forth in this article.

b. Construction for each project shall be considered as having commenced on the date of the first required inspection as determined by staff.

c. A project with a valid permit shall continue with this status until the permit expires, at which time the renewal of the permit or the issuance of a new permit for the same project or a different project on the same property shall incur the applicable development impact fee.

(P) *Refunds*

Refunds of impact fees will be made only in the following instances and in the following manner:

1. Upon application to staff by the feepayor, the City will refund 97% of the impact fee paid if capacity is available and service is denied. The City will retain 3% of the fee paid as an administrative fee.

2. Upon application to staff by the feepayor, the City will refund 97% of the impact fee paid and not expended or encumbered if the City, after collecting the fee when service is not available, has failed to encumber the fee or commence construction within 6 years from the date the impact fee was paid. The City will retain 3% of the fee paid as an administrative fee. In determining whether impact fees have been expended or encumbered, fees will be considered encumbered on a first-in, first-out (FIFO) basis.

3. When the right to a refund exists due to a failure to encumber impact fees, the City must provide written notice of entitlement to a refund to the feepayor who paid the impact fee at the address shown on the application for development approval, or to a feepayor's successor in interest who has given the City notice of the transfer or assignment of the right or entitlement to a refund and who has provided the City a mailing address. The City must also publish such notice within 30 days of the expiration of the 6-year period after the date the impact fee was paid. The published notice must contain the heading "notice of entitlement to development impact fee refund."

4. A refund application must be made to staff within one year from the date such refund becomes payable under this Section or within one year from the date of publication of the notice of entitlement of a refund as provided under this Section, whichever is later. Any refund not applied for within said time period will be deemed waived.

5. A refund application must include information and documentation sufficient to permit staff to determine whether the refund claimed is proper, and, if so, the amount of such refund.

6. A refund will include a pro rata share of interest actually earned on the unused or excess impact fee paid.

7. All refunds will be paid within 60 days after staff determines that such refund is due.

(Q) *Impact Fee Funds Established*

1. The City shall establish separate accounting records for each public facility category of system improvements.

2. All development impact fee funds collected for future expenditure on construction or expansion of facilities pursuant to the section must be deposited and maintained in one or more interest bearing accounts until expended.

3. Interest earned on development impact fees shall be considered funds of the account on which it is earned and is subject to all restrictions imposed by Section "Use of Funds" of this Section.

(R) *Appeal Procedures*

1. The developer or applicant who owes or has paid an impact fee may appeal the fee determination or payment of the fee to City Council.

2. The aggrieved applicant or feepayor must file a written appeal within 15 days of the receipt of written determination of the amount of the development impact fee

due. Such written appeal shall set forth the basis for the appeal and the relief sought.

3. The appeal hearing will be held by City Council within 30 days of receipt of the written appeal.

4. The filing of an appeal shall not stay the collection of a development impact fee as a condition to the issuance of a building permit or other development approval.

5. An applicant or feepayor may pay a development impact fee to obtain a building permit or other development approval, and by making such payment shall not be estopped from exercising the right of appeal or receiving a refund of any amount deemed to have been collected in excess.

(S) *Fee Supplemental to Other Financing Methods*

1. Except as otherwise provided in this section, impact fees are in addition to any other requirements, taxes, fees, or assessments imposed by the City on development or the issuance of building permits which are imposed on and due against property within the jurisdiction of the City.
2. In addition to the use of impact fees, the City may finance qualifying capital improvements through the issuance of bonds, the formation of assessment districts, or any other authorized mechanism, in such manner and subject to such limitations as may be provided by law.

(T) *Impact Fee Program Annual Review*

1. At least once each year, the City shall prepare an "annual update report" for submission to the Coastal Regional Commission and the Georgia Department of Community Affairs. The report must include a financial report for the impact fee program based on the latest adopted audit. In addition, the report must update the Community Work Program of the Comprehensive Plan to maintain, at a minimum, a schedule of system improvements to be undertaken for each of the subsequent five years.

    a. The financial report shall include the beginning balances in each public facility category (such as parks & recreation, fire protection, etc.), the impact fees collected in each public facility category, interest earned on the funds on hand, refunds made, funds expended, and the ending balances.

    b. The community work program is to be updated by adding a future year and deleting the past year, such that a total of five years is always shown. Impact fee-funded projects that are anticipated to be undertaken are to be listed individually, the year of implementation indicated, the cost of the project shown along with the source of funds, and the department responsible for implementation.

2. The annual update report may include changes in funding sources or project costs, or changes in the scheduling of projects. However, new projects not included in the list of impact fee eligible projects contained in the most recently adopted capital improvements element itself cannot be added in the annual update report.

3. The annual update report is to be submitted to the Coastal Regional Commission for their review, in accordance with the *Development Impact Fee Compliance Requirements* as adopted by the Georgia Department of Community Affairs.

4. Upon approval of the annual update report, the report shall be adopted by the City Council and a copy sent to the Coastal Regional Commission.

II

All ordinances or parts of ordinances in conflict with the ordinance are hereby repealed.

III

If any section, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the said holding shall in no way affect the validity of the remaining portions of this ordinance.

IV

This ordinance shall be effective immediately upon its adoption by the Mayor and City Council of Pooler, Georgia.

FIRST READING: _____ day of _____, _____

SECOND READING: _____ day of _____, _____

ADOPTED: _____ day of _____, _____

CITY OF POOLER, GEORGIA

_____
Karen L. Williams, Mayor

ATTEST:

_____Kiley Fusco, Clerk of Council