

Sponsor: _____
First Reading: _____
Second Reading: _____
Third Reading: _____

ORDINANCE NO. ____-24

AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF SMYRNA, CHAPTER 18 (BUILDING AND BUILDING REGULATIONS), ARTICLE XXII (DEVELOPMENT INCENTIVES), TO PERMIT ECONOMIC DEVELOPMENT INCENTIVES FOR FIRE PROTECTION IMPACT FEES AND AMBULANCE SERVICES IMPACT FEES

WHEREAS, the Town Council of the Town of Smyrna is authorized pursuant to section 4.2.25 of the Town Charter to “provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants;”

WHEREAS, the Town Council has determined that in order to increase investment in key areas of the Town, and in order to effectively compete with other local governments to attract businesses to the Town of Smyrna, it is in the best interest of the public health, safety, and welfare to create incentives for individuals and entities who are interested in investing in the Town of Smyrna; and

WHEREAS, the Town recently commissioned a study to determine appropriate impact fees for fire protection and ambulance services, and based on the results of the study and the new impact fees being adopted by the Town, the Town has determined that it is in the best interest of the public health, safety, and welfare to authorize economic development incentives for fire protection and ambulance services.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Chapter 18 (Building and Building Regulations), Article XXII (Development Incentives), by making insertions as shown by underline and deletions as shown by strike through as follows:

Sec. 18-1701. Definitions.

(a) For purposes of this article, the following words and phrase shall have the meanings respectively ascribed to them as follows:

* * *

Investment incentives include the waiver, in whole or in part, of one or more of the following: town impact fees, utility impact fees, fire protection impact fees, ambulance services impact fees, utility tapping fees, building permit fees, rezoning fees, variance fees, conditional use fees, special

exception fees, demolition permit fees, certificate of occupancy fees, sign permit fees, taxes, delayed tax reassessments, or utility user fees or charges as authorized in this article.

Section 2. Amend Chapter 18 (Building and Building Regulations), Article XXII (Development Incentives), by making insertions as shown by underline and deletions as shown by strike through as follows:

Sec. 18-1704. Waiver or reduction of town fees.

- (a) *Downtown investment district fee waivers.*
- (1) Qualifying properties in the downtown investment district shall have waived in full all town impact fees, building permit fees, utility impact fees, conditional use fees, special exception fees, demolition permit fees, sign permit fees, rezoning fees, and certificate of occupancy fees. Fees associated with residential decks and accessory structures shall not qualify for these town fee waivers.
- (b) *Industrial investment district fee reductions.* Qualifying properties in the industrial investment district shall have all town impact fees, utility impact fees, fire protection impact fees, ambulance services impact fees, building permit fees, rezoning fees, conditional use fees, special exception fees, demolition permit fees, certificate of occupancy fees, and sign permit fees reduced pursuant to the following tiered level of investment:
- (1) *Tier 1:* Minimum investment of \$200,000.00, a ten percent waiver;
 - (2) *Tier 2:* For each additional \$100,000.00 of investments in excess of \$200,000.00 but less than or equal to \$1,700,000.00, an additional one percent waiver, up to a total 15 percent waiver for tier 2 investments and a maximum 25 percent cumulative waiver for tier 1 and 2 investments;
 - (3) *Tier 3:* For each additional \$100,000.00 of investments in excess of \$1,700,000.00 but less than or equal to \$4,700,000.00, a one-half percent waiver, up to a total 15 percent waiver for tier 3 investments and a maximum 40 percent cumulative waiver for tier 1, 2, and 3 investments;
 - (4) *Tier 4:* For each additional \$100,000.00 of investments in excess of \$4,700,000.00, a one-half percent waiver, up to a maximum total waiver of ten percent for tier 4 investments and a maximum 50 percent cumulative waiver for tier 1, 2, 3, and 4 investments.
- (c) Impact fees for ~~fire protection, ambulance service, and~~ school construction, as further detailed in section ~~32-9(f)~~ (h) 32-9(h) of the Town Code, shall not be waived at any time.

Section 3. 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 Town 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 Town Council's intent.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

This ordinance includes fire protection impact fees and ambulance services impact fees in those fees that may be reduce as part of economic development incentives.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on _____, 2024.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in the “Smyrna/Clayton Sun Times” on _____, 2024 and posted at the Town Hall on _____, 2024.

So Certifies:

Town Clerk