

ORDINANCE 2022 - 012

1st reading and Introduction: June 21, 2022

2nd reading and Public Hearing: July 18, 2022

AN ORDINANCE AMENDING THE CODE OF ORDINANCES RELATING TO ECONOMIC DEVELOPMENT INCENTIVES; ESTABLISHING TARGETED BUSINESSES THAT COULD BENEFIT FROM ECONOMIC DEVELOPMENT INCENTIVES; ESTABLISHING ANNEXATION INCENTIVES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Powder Springs are authorized to amend, adopt, and repeal the Code of Ordinances for the City of Powder Springs; and

WHEREAS, the City's current Code of Ordinances relating to economic development incentives was adopted in 2002 and the economic development staff recommend updates relating to both eligibility and annexation; and

WHEREAS, the Mayor and Council desire to update the economic development incentives ordinance as recommended by economic development staff.

NOW THEREFORE, the Mayor and Council of the City of Powder Springs find that in the interest of the public health, safety and welfare it does hereby ordain that the Code of Ordinances is amended as follows:

SECTION ONE

Section 2-122 of the Code of Ordinances is amended by striking paragraph d. of subsection (4) as noted:

(4) Subject to restrictions set forth in the adopted incentives plan, areas for incentives which may be offered to a target business are as follows:

- a. Business license fees.
- b. Building permit fees.
- c. Site or structural review fees.
- ~~d. Water system development fee.~~
- e. Financing of the sewer system development fee.
- f. Development authority lease-hold agreements, which can included project specific tax structure.
- g. Other areas of technical assistance as appropriate.

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SECTION TWO

Section 2-124 of the Code of Ordinances is amended by adding a new Paragraph a. as follows:

- (1) A targeted business or residential development which meets the requirements listed in the incentives plan may be offered any combination of the incentives, in whole or in part, listed below and further detailed in the incentives plan.
 - a. In order to qualify as a targeted business, a business must be part of one of the following growth clusters or core clusters as determined by North American Classification System (NAICS)/Standard Industrial Classification codes:
 - i. Aerospace and/or advanced equipment manufacturing
 - ii. Information technology and/or software
 - iii. Professional and business services
 - iv. Wholesale trade
 - v. Healthcare services
 - vi. Research & development
 - vii. Life sciences
 - viii. Travel and tourism
 - ix. Ecommerce & logistics

SECTION THREE

The Code of Ordinances is hereby amended by the adoption of a new Code Section 2-126 as set forth below:

Sec. 2-126. Incentives For Annexation.

- (1) The mayor and City Council shall approve any proposed offer of incentives prior to said offer being made to a property(s) for annexation.
- (2) All incentives require that the annexation be completed and approved by Mayor and City Council.
- (3) Incentives can be for new or expansion of existing developments.
- (4) Residential annexation (existing property) may include an incentive for abating monthly sanitation fees (for 12 months after the date of annexation) up to 50%.
- (5) Residential annexation (existing property) may include an incentive for abating city administered recreational program fees (for 12 months after the date of annexation) up to 50%.

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- (6) Residential annexation (existing property) may include an incentive for waiving the occupational tax fees for home-based businesses for up to 12 months after the date of annexation.
- (7) Residential annexation (undeveloped property) may include an incentive for reducing impact fees, site and structural review fees and building permit fees (for 12 months after the date of annexation) up to 50%.
- (8) Residential annexation (undeveloped) may include an incentive for financing water and sewer system development fees for up to 12 months after the date of annexation.
- (9) Non-Residential annexation (existing property) may include relief from city property taxes as follows:
- a. For businesses with 3-24 employees-25% of city tax bill may be abated for up to 12 months after the date of annexation.
- b. For businesses with 25-50 employees-50% of city tax bill may be abated for up to 12 months after the date of annexation.
- c. For businesses with 51 or more employees-75% of city tax bill may be abated for up to 12 months after the date of annexation.
- (10) Non-Residential annexation (existing property) may include relief from city occupational tax fees as follows:
- a. For businesses with 3-24 employees-25% of city occupational taxes may be abated for up to 12 months after the date of annexation.
- b. For businesses with 25-50 employees-50% of city occupational taxes may be abated for up to 12 months after the date of annexation.
- c. For businesses with 51 or more employees-75% of city occupational taxes may be abated for up to 12 months after the date of annexation.
- (11) Non-Residential annexation (undeveloped) may include relief from city property taxes as follows:
- a. For businesses with 3-24 employees-50% of city tax bill may be abated for up to 12 months after the date of annexation.
- b. For businesses with 25-50 employees-75% of city tax bill may be abated for up to 12 months after the date of annexation.
- c. For businesses with 51 or more employees-95% of city tax bill may be abated for up to 12 months after the date of annexation.
- (12) Non-Residential annexation (undeveloped) may include relief from city occupational tax fees as follows:
- a. For businesses with 3-24 employees-50% of city occupational taxes may be abated for up to 12 months after the date of annexation.

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- b. For businesses with 25-50 employees-75% of city occupational taxes may be abated for up to 12 months after the date of annexation.
- c. For businesses with 51 or more employees-95% of city occupational taxes may be abated for up to 12 months after the date of annexation.
- (13) Non-Residential annexation (undeveloped property) may include an incentive for reducing impact fees, site and structural review fees and building permit fees (for 12 months after the date of annexation) up to 75%.
- (14) Non-Residential annexation (undeveloped property) may include an incentive for financing water and sewer system development fees for up to 12 months after the date of annexation.
- (15) Non-Residential annexation (undeveloped property) may include an incentive of city provided assistance for facilitating expedited permitting and coordination with local, state and regional agencies.

SECTION FOUR

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION FIVE

If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION SIX

This ordinance shall become effective five (5) days after its adoption by the City Council.

SO ORDAINED this 18th day of July, 2022.

[signature page follows]


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Absent

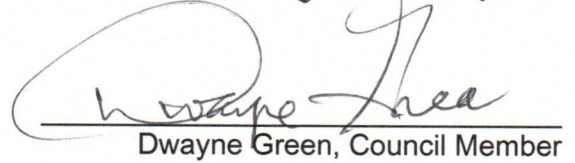
Albert Thurman, Mayor



Henry Lust, Council Member



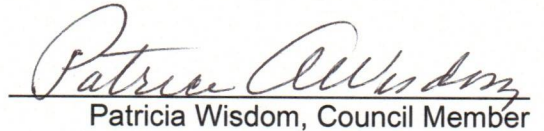
Doris Dawkins, Council Member



Dwayne Green, Council Member

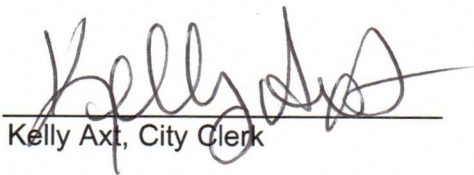


Patrick Bordelon, Council Member



Patricia Wisdom, Council Member

Attest:



Kelly Axt, City Clerk