

CITY OF CONCORD

In the year of our Lord two thousand and seventeen

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 29.2-1-2 (e) Public Capital Facilities Impact Fee Ordinance, Assessment and Collection, Waivers

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 29.2-1-2 (e) Public Capital Facilities Impact Fee Ordinance, Assessment and Collection, Waivers by adding the following:

(e) Waivers

- (1) An applicant may apply for a waiver of all or part of the impact fees that are payable with respect to new development or redevelopment, as provided in this section. The applicant must request a waiver prior to the date of the determination of the impact fee by the Clerk.
- (2) An applicant may request from the Clerk a full or partial waiver of the school facilities impact fee for new development of Senior Housing. The applicant shall provide the Clerk with a draft of age restricted covenants or binding federal housing program agreements at the time of the application for the waiver. Only the percentage of age restricted dwelling units, as set forth in the covenant or federal agreement, may be eligible for a full or partial waiver of the school facilities impact fee. Covenants accepted by the City shall be recorded prior to issuance of any building permits for the development. Any change in use, from Senior Housing to any other residential use without an age restriction, will result in revocation of the waiver. The owner of the property on the date of the change in use shall be required to pay the school facilities impact fee in effect at the time of the change in use, whether or not Planning Board approval is required for the change in use.
- (3) Waiver for the development of market rate housing within the Central Business Performance (CBP) District.
 - a. An applicant may request a waiver of the transportation facilities impact fees and the school facilities impact fees for the development of market-rate housing [~~from a permitted residential or nonresidential use,~~] as set forth in Article 28-2-4(j), Table of Principal Uses, within existing buildings in the Central Business Performance (CBP) District.

- b. This waiver also applies to the development of market rate housing [~~from permitted uses established~~] by special exception under the provisions of Article 28-9-3(b), Special Exception, and previously permitted but lapsed uses.
- c. *This waiver also applies to the development of market rate housing established by variance granted by the Zoning Board of Adjustment under the provisions of Article 28-9-3(c), Variances.*
- ~~d.~~ This waiver does not apply to any new construction or building addition.

(4) Waiver for nonresidential uses:

- a. *An applicant for the development of permitted nonresidential uses as set forth in Article 28-2-4(j), Table of Principal Uses, shall qualify for a waiver of the transportation facilities impact fees.*
- b. *This waiver also applies to the development of nonresidential uses established by special exception under the provisions of Article 28-9-3(b), Special Exceptions.*
- c. *This waiver also applies to the development of nonresidential uses established by variance granted by the Zoning Board of Adjustment under the provisions of Article 28-9-3(c), Variances.*

~~(4)~~(5) If an applicant cannot agree with the Clerk regarding the qualification of new development or redevelopment for an impact fee waiver or regarding the amount of a waiver, the applicant may request a hearing before the Planning Board on determination of the qualification for and amount of a waiver. The Planning Board's decision on qualification for and amount of a waiver shall be final.

Section II: This Ordinance shall take effect upon its passage.

Matter removed from the current ordinance appears in [brackets and struck through].

New language appears in *bold and italics*.