

CITY OF CONCORD

In the year of our Lord two thousand and sixteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance.

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Article 29.2-1-2, Assessment and Collection; section (b) Computation of the Amount of Impact Fee, Table 3, Transportation Facilities, by adding a new residential category for Senior Housing and creating a new Residential and Nonresidential Uses category to include All Other Uses:

**TABLE 3
TRANSPORTATION FACILITIES
IMPACT FEE PER VARIABLE UNIT**

<i>Type of New Development</i>	<i>Transportation Facilities Impact Fee Per Variable Unit</i>	<i>Variable Unit</i>
Residential Uses		
Single-family	\$2,110.48	Dwelling unit
Townhouse/duplex	\$1,408.99	Dwelling unit
Multi-unit dwelling/apartment (other than townhouses or duplexes)	\$1,449.88	Dwelling unit
Mobile home	\$1,035.63	Dwelling unit
<i>Senior Housing</i>	<i>\$ 844.44</i>	<i>Dwelling Unit</i>
Nonresidential Uses		
General office	\$ 1.70	Square foot of floor area
Single-tenant office	\$ 1.88	Square foot of floor area
General light industrial	\$ 1.09	Square foot of floor area
Manufacturing	\$ 0.63	Square foot of floor area
Warehousing	\$ 0.78	Square foot of floor area
Quality restaurant	\$ 5.59	Square foot of floor area
High-turnover restaurant	\$ 6.73	Square foot of floor area
Fast food restaurant with drive-thru	\$ 20.59	Square foot of floor area
Small retail (less than 5,000 SF)	\$ 2.56	Square foot of floor area
Retail (5,001 SF to 100,000 SF)	\$ 4.51	Square foot of floor area
Retail (100,001 to 300,000 SF)	\$ 3.65	Square foot of floor area
Retail (greater than 300,000 SF)	\$ 3.33	Square foot of floor area
Bank with drive-up	\$ 12.05	Square foot of floor area
Daycare center	\$ 4.09	Square foot of floor area
Hotel/motel	\$ 1,817.16	Room
Gas station/convenience store	\$ 3,374.07	Pump
New car sales	\$ 6.52	Square foot of floor area

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Automobile Service	\$ 3.96	Square foot of floor area
Automated car wash	\$ 5,280.90	Wash stall
All other uses	\$ 205.90	New trip

Residential & Nonresidential Uses
All Other Uses

\$ 205.90

New trip

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Subdivision Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Article 29.2-1-1, Definitions, by adding the following definition for Senior Housing:

Senior Housing. Housing designed and operated to assist elderly persons, as defined in RSA 161-J:2, III “Housing for older persons” or RSA 161-J:2, III-a “Independent living retirement community”, and which further meets the requirements of RSA 354-A:15 Housing for Older Persons.

SECTION III: Amend the CODE OF ORDINANCES, Title IV, Subdivision Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Section 29.2-1-2(b), Computation of the Amount of Impact Fee, by adding the following new section:

(12) A draft of age restricted covenants or binding federal housing program agreements shall be provided to the Clerk prior to assessment of traffic impact fees for Senior Housing, as listed in Table 3 of Section 29.2-1-2(b) Only the percentage of dwelling units that are age restricted, as set forth in the covenant or federal agreement, may be assessed under the Senior Housing category. Covenants accepted by the City shall be recorded prior to issuance of any building permits for the development. Recreation and school facility impact fees shall be assessed in accordance with the Type of New Development, as listed in Tables 1 and 2 of Section 29.2-1-2(b).

SECTION IV: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Article 29.2-1-2, Assessment and Collection, by removing in its entirety section (f)(2) and replacing it with a new section (f)(2) as follows:

~~{(2) An applicant may request from the Clerk a full or partial waiver of the school facilities impact fee where the applicant undertakes the construction of new development that consists of attached dwellings or multifamily dwellings pursuant to Article 28-9 of the City of Concord Zoning Ordinance that are intended for and solely occupied by persons age sixty two (62) and over for a period of at least twenty (20) years, either through~~

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~~recorded restrictive covenants that are enforceable by the City or through compliance with the binding requirements of a federal housing program that limits occupancy in a similar fashion. Any change in use, from such uses to any other residential use, will result in revocation of the waiver and 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. The applicant shall provide the Clerk with evidence of the recordation of acceptable restrictive covenants or binding federal housing program agreements at the time of the application for the waiver.}~~

- (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.***

SECTION V: This ordinance shall take effect upon its passage.

Explanation: Matter added to the current ordinance appears in ***bold italics***.

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