

CITY OF LACONIA

In the year of our Lord two thousand and twenty-five

**AN ORDINANCE AMENDING CHAPTER 235-22, ARTICLE IVA – IMPACT FEES, AND
ATTACHMENT 6 – IMPACT FEE SCHEDULE**

The City of Laconia ordains:

That the Ordinances of the City of Laconia, as amended, be further amended in Chapter 235 as follows:

Remove and replace the entirety of Article IVA with the following:

§ 235-22.1. Fees Established.

- A. The City of Laconia shall have all authority, scope, powers, and jurisdiction to levy impact fees on all development within the City in accordance with RSA 674:16 and 674:21, as amended.
- B. The current fee schedule is the set rate for specific types of development based on the current methodology adopted by Planning Board and City Council. The initial maximum fees the City may assess are established in the current adopted methodology. The maximum fees the City may assess shall annually increase on July 1 by a factor equal to the change in the National Consumer Price Index – Urban as published by the United States Department of Labor for the calendar year immediately preceding the increase. The annual increase in the maximum fees shall continue in perpetuity or until a new methodology is adopted by the Planning Board and City Council.
- C. The initial fee schedule adopted shall be 50% of the initial maximum fees established in the current adopted methodology. The fee schedule shall increase annually on July 1 by a factor equal to 5% of the maximum fees, as adjusted. This annual increase shall continue until the fee schedule reaches the current maximum fees, as adjusted.
- D. All residential fees shall be assessed per unit. All nonresidential fees shall be assessed per square foot of gross floor space.
- E. If a specific type of development is not listed in the schedule, the Director of Planning and Community Development, or their designee, shall determine which development category it closely fits.

§ 235-22.2. Exemptions.

- A. Impact fees may not be levied on the following entities:
 - (1) Government Agencies
 - (2) Political Subdivisions
 - (3) Nonprofit Corporations and Associations Domestic to New Hampshire

- B. For developments with proposed workforce housing units, all workforce housing units can be exempt. No more than 20% of the total units proposed shall be exempt. All fractions of a percent shall be rounded down.
- C. Certification must be submitted to the Planning Board for review and comment prior to evaluation by the Department of Planning and Community Development to verify if an entity or dwelling unit qualifies for an exemption. Such certification shall be deemed appropriate by the Director of Planning and Community Development, or their designee.
- D. Every subdivision plat and site plan approved by the Planning Board and properly recorded at the Belknap County Registry of Deeds, where required, shall be exempt from all subsequent increases to the fee schedule for a period of five years after the date of approval in accordance with RSA 674:39. Once this period has elapsed, impact fees shall be assessed at the current rate for all outstanding development associated with the respective subdivision plat and site plan.

§ 235-22.3. Assessment and Collection.

- A. All impact fees shall be assessed on development at the time of Planning Board approval of a subdivision plat or site plan, where required. When no Planning Board approval is required for development, or the Planning Board has issued their approval prior to the adoption or amendment of the impact fee ordinance, impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development.
- B. Impact fees shall be collected at the time a certificate of occupancy is issued. If no certificate of occupancy is required, impact fees shall be collected when the development is ready for its intended use.

§ 235-22.4. Assessment Methodology.

- A. The Department of Planning and Community Development may prepare studies or reports to be adopted or amended by the Planning Board and City Council which define a methodology for impact fee assessment for public capital facilities. Adopted methodology must calculate a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by specific development, and to the benefits accruing to the development from the capital improvements financed by the impact fee.
- B. The Development Impact Fee Justification Study, dated September 2, 2025 and prepared by DTA Public Finance, Inc., is hereby adopted by the Planning Board and City Council as the current methodology for impact fee assessment.

§ 235-22.5. Use of Impact Fees.

Impact fees shall be used to construct or improve capital facilities owned or operated by the City to accommodate the new development. Impact fees may not be used to upgrade existing facilities and infrastructures owned or operated by the City unless the need for which is created by the development. Impact fees may not be used to maintain existing facilities or infrastructures. City agencies and the Laconia School Administrative Unit must participate in the established Capital Improvement Program for the City and submit an annual Capital Improvement Plan prior to expending impact fees.

§ 235-22.6. Administration.

- A. The Director of Planning and Community Development, or their designee, shall administer the provisions of this article.

- B. Any proposal submitted under this section shall be reviewed by the Planning Board prior to final consideration by the administrator. The Planning Board shall set forth its comments on the proposal in writing and the administrator shall, to the extent that the Planning Board's comments are not directly incorporated into its decision, set forth its findings and decisions on the Planning Board's comments.
- C. All funds collected shall be properly identified and promptly transferred for deposit into an individual public capital facilities impact fee account for each of the categories under which impact fees are assessed. Impact fee revenues may not accrue to the general fund.
- D. Impact fees shall be paid out or applied to the provision of public capital facilities only upon specific authorization by the City Council.
- E. The Finance Department shall record all fees paid, date of payment, name of the person making payment, and the parcel, lot or building for which the fee has been paid. The Finance Department shall maintain an updated record of the current ownership, tax map, and lot reference number of each property for which an impact fee has been paid and the amount of that fee for a period of at least nine years.
- F. In the event that bonds or similar debt instruments have been issued for public capital facilities which were constructed in anticipation of new development, or are issued for advanced provision of capital facilities identified in this article, impact fees may be used to pay debt service on such bonds or similar debt instruments.

§ 235-22.7. Refund of fees paid.

- A. The owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest where:
 - (1) The impact fee has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six years from the date of the final payment of the fee; or
 - (2) The City or the school district, has failed, within the period of six years from the date of the final payment of such fee, to appropriate the nonimpact fee share of related capital improvement costs.
- B. The City shall provide all owners of record who are due a refund, written notice of the amount due including accrued interest.

§ 235-22.8. Appeals.

Any decision under this article may be appealed in the same manner provided by statute for appeals from the officer or board making that decision, as set forth in RSA 676:5, RSA 677:2-14, or RSA 677:15, respectively.

§ 235-22.9. Required Review.

- A. The Planning Department shall annually review the current fee schedule and maximum fees, as adjusted, prior to each subsequent annual increase. The Planning Department shall prepare and provide a summary of its review, including the schedule for the subsequent year, to the Planning Board and City Council. Each subsequent fee schedule shall be available for public consumption prior to its effective date.

B. The Planning Board and City Council must adopt a new methodology prior to June 30, 2040. The new methodology shall take effect no later than July 1, 2041.

Chapter 235. Zoning
Attachment 6 – Impact Fee Schedule

Remove and replace *Attachment 6 – Impact Fee Schedule* with *Attachment 6 – Development Impact Fee Justification Study (2025)*.

These amendments shall take effect upon their passage.



Charlie St. Clair, Mayor

Passes and approved this 8th day of December, 2025.



Katie Gargano, City Clerk