

§ 120-1201. General

D. Impact fee accounts. All impact fees collected under the provisions of this chapter shall be segregated and accounted for in separate impact fee accounts designated for the particular improvements in question. The impact fee accounts are as follows:

- (1) North Windham sidewalk impact fee.
- (2) Recreation impact fee.
- (3) North Route 302 road improvements impact fee.
- (4) Open space impact fee.
- (5) Public safety impact fee.
- (6) Municipal office impact fee

§ 120-1202. North Windham sidewalk impact fee. [Added 5-14-2013 by Order 13-071]

- A. Description of the improvements. The North Windham sidewalk impact fee will be used to partially fund the construction of public sidewalks to accommodate pedestrian movement in the Commercial 1 Zoning District as set forth in the Town's 21st Century Downtown Plan (see North Windham Sidewalk Impact Fee Methodology, dated May 14, 2013, in Appendix E²). This includes improvements in the following areas: Roosevelt Trail (Route 302), Tandberg Trail (Route 35 and 115), River Road, and Manchester Drive.
- B. Need for the improvements. The road network in the North Windham commercial districts serves a large volume of vehicular traffic. The roads serve to provide mobility throughout the region, and local access to commercial establishments. In addition, the public road network provides pedestrian movement between local commercial businesses. Many sections of the public road system in North Windham either lack sidewalks entirely or provide them only on one side of the road. Commercial growth creates more pedestrian movements that increase conflicts between bicyclists and motor vehicles on the primary road network. This results in increased safety concerns. To address this concern, the Town's 21st Century Downtown Plan recommends that the Town expand the network of sidewalks along major roads.
- C. Applicability. In accordance with § 120-410F(13), the following commercial development activities commenced on or after June 14, 2013, on properties that do not have an existing sidewalk along all or a portion of their property's frontage shall be subject to the impact

fee:

- (1) The construction or placement of new buildings with a cumulative area that is greater than, or equal to, 500 square feet.
- (2) The enlargement of existing buildings by 500 square feet or more.
- (3) As required by the Planning Board as part of a site plan approved in accordance with Article 8 of this chapter.

D. Amount of the fee.

- (1) The base impact fee for the sidewalk improvements shall be five linear feet of sidewalk per 100 square feet or fraction thereof of the gross floor area to be constructed, erected, enlarged, extended, or relocated on the site multiplied by the per-linear-foot-of-sidewalk fee as set by the Town Council in the Fee Schedule. The formula described above shall be calculated as follows:

Base Impact Fee = (five linear feet) × [(Total gross square footage of building)/(100 square feet (linear foot sidewalk fee \$))]

- (2) The amount of the base fee is based upon the North Windham Sidewalk Impact Fee Methodology dated May 14, 2013 (see Appendix E³). The fee is based on the average estimated construction costs of sidewalks in North Windham based on the following conditions: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(a)

- (3) The base impact fee shall be adjusted to account for changes in the cost of construction. The impact fee shall be adjusted based upon the change in the ENR Construction Cost Index between June 2013 and the month in which the impact fee is paid. The amount of the fee shall be calculated as follows:

Impact fee to be paid = Base impact fee × (ENRCCI for the month in which fee is paid/ENRCCI for June 2013) where ENRCCI is the national construction cost index published by ENR (Engineering News Record)

- (4) Impact fee maximum. The maximum sidewalk fee required for any property will be equal to the property's road frontage times the base impact fee at the time of application. If the calculated fee is less than the maximum, future development that meets the criteria of § 120-1202C will be required to pay the impact fee up to the maximum amount for the property.

E. Expenditure of funds. Impact fees shall be collected and expended in two subareas within the Commercial 1 Zoning District. Fees shall be expended on sidewalk construction within the subarea from which they are collected. The subareas are as follows:

- (1) Roadways within the C-1 District that are south of White's Bridge Road.
- (2) Roadways within the C-1 District that are north of White's Bridge Road.

F. Impact fee.

- (1) The North Windham sidewalk impact fee shall be paid for any project that meets the applicability standards in Subsection C, above.
- (2) A property shall be required to pay the fee in the event of future development on said property until the amount of fees paid is equal to the length of property frontage multiplied by the fee per linear foot of sidewalk in Subsection D, above, is reached. Properties with an existing sidewalk on a portion of their frontage shall pay a maximum fee equal to the length of lot frontage on which sidewalk does not exist at the time of development.

G. Sunset provision. The fee shall remain in effect until the Town has collected \$2.1 million in fees in subarea 1 and \$900,000 in subarea 2 (as adjusted for construction cost inflation) or until July 1, 2026, whichever comes first, unless such time is extended by vote of the Town Council.