

§ 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~~ 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's~~ Sidewalk Impact Fee. [Added 5-14-2013 by Order 13-071]

A. Description of the improvements. ~~The North Windham~~ A sidewalk impact fee will be used to partially fund the construction of public sidewalks to accommodate pedestrian movement in the ~~throughout various sidewalk impact fee Commercial I Zoning District as set forth in the Town's 21st Century Downtown Plan (see areas established under this Section 1202. The sidewalk impact fee areas are as follows: in North, Center, South, East, and West Windham).~~

- (1) ~~T~~The North Windham Sidewalk Impact Fee Area, which will use the Methodology, dated May 14, 2013, in Appendix E, as amended². This area includes all properties within the Commercial I (C-1), Commercial II (C-2) and Commercial I North (C-1N) Zoning Districts and areas highlighted in the sidewalk improvements as forth in the Town's 21st Century Downtown Plan and are requested as being in need of includes sidewalk improvements: to in the following areas: Roosevelt Trail (Route 302) from Brookhaven Drive to the municipal boundary with Raymond Raymond Townline, Tandberg Trail (Route 35 and 115), River Road, and Manchester Drive.

~~A.(2)~~ (Reserved)

B. Need for the improvements.

Commented [SP1]: Recommend striking North , so we can expand the sidewalk impact fee throughout the entire Town by setting Impact Fee Areas, such as North, Center, East, West , and South

Commented [SP2]: This will allow Windham to establish CIP or other Methodologies to determine the linear cost of constructing the sidewalks in the area.

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Commented [SP3]: Adding zoning district C-1N and C-2, because when C-1N was created, the ECode should have added that district the NW sidewalks impact fee.

Commented [SP4]: Clear definition of the area back on the Appendix E Methodology.

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(1) North Windham Sidewalk Impact Fee Area. The road network in the North Windham ~~commercial mixed-use~~ zoning districts serves a large volume of vehicular traffic. The roads in this area serve to also provide mobility throughout the region, and local access to ~~commercial establishments~~ commercial establishments ~~nonresidential and residential developments~~. In addition, the public road network in this area provides pedestrian movement between local commercial businesses as well as and residences. 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, Non-residential, and residential growth~~ Growth in this area 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~~ these concerns, the Town's 21st Century Downtown Plan recommends ~~that the Town expand the network~~ the expansion of sidewalks along major roads in the North Windham Sidewalk Impact Fee Area.

Commented [SP5]: C-1 and C-1N are mixed us districts

Commented [SP6]: Adding Non-residential capture all types od development in these two district, making the impact fee fairer.

Commented [BM7]: Are there any permitted uses that do not fall into one of these three categories? If not, there is no need to list specific categories of uses for which an impact fee would be imposed.

B-(2) (Reserved)

C. Applicability. ~~In accordance with § 120-410F(13) and § 120-410.1F(7),~~ The following ~~commercial nonresidential, and residential~~ 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~~ the entirety of their frontage shall be subject to the impact fee:

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Commented [BM8]: I've removed these references, as they would not apply to areas outside of North Windham. This makes the Section easily amendable to include additional areas in the future. Just to keep things consistent with other edits throughout.

Commented [SP9]: Adding Non-residential capture all types od development in these two district, making the impact fee fairer.

Commented [BM10]: Same question as above.

- (1) The construction, ~~erection~~, or placement of new buildings with a ~~cumulative gross~~ area that is greater than, or equal to, 500 square feet;
- (2) The ~~enlargement expansion~~ of existing buildings by 500 square feet or more; ~~or~~;
- (3) As otherwise 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 the cost of constructing five linear feet of sidewalk per 100 square feet or fraction thereof of the ~~gross floor~~ gross 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 Master 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 \$))
* greater of the impact fee.

- (2)(a) For impact fees assessed to properties within the North Windham Sidewalk Impact Fee Area, The ~~the~~ amount of the base fee is based upon the North Windham Sidewalk Impact Fee Methodology dated May 14, 2013, ~~as amended~~ (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)]**

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~~(a)~~(b) Reserved

- ~~(3)~~(2) The base impact fee ~~shall be adjusted to account for changes in the cost of construction. The impact fee shall be adjusted consistent with based upon the~~any change in the ENR Construction Cost Index between June 2013 and the month in which the impact fee is paid, as determined by the Town Manager or their designee. 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)

- (3) Impact fee maximum. The maximum sidewalk fee required for any property will be equal to the property's ~~road~~frontage at the time of the application, multiplied by times the base impact fee, as adjusted subject to §120-1202D(3) at the time of application. If the calculated fee is less than the maximum, future development of the same property that meets the criteria of § 120-1202C will be ~~required to pay the assessed an additional~~ impact fee, up to the maximum amount for the property. Should a property expand its frontage after the assessment of an impact fee, the impact fee maximum may be adjusted upward, allowing the assessment of an additional impact fee in conjunction with further development of that property.

- (4) Impact fee reduction. Properties with an existing sidewalk on a portion of their frontage at the time of application shall pay a maximum fee equal to the length of lot frontage on which sidewalk does not exist at the time of application.

- ~~(4)~~(5) Impact fee refund. To the extent the impact fee collected is not expended by the Town in accordance with the timeframes established by 30-A M.R.S. § 4354, as may be amended or recodified, the unused balance shall be refunded to the payor.

- E. Expenditure of funds. Impact fees shall be collected and expended in two subareas within designed by North Windham area defined by §120-1202A the Commercial 1 Zoning District. Fees shall be expended on sidewalk construction within the subareas from which they are collected, within the timeframes imposed by statute. The subareas are as follows:

- (1) **North Windham Sidewalk Impact Fee Area:** Roadways within the C-1 ~~C-2 and the C-1N Districts: Roosevelt Trail (Route 302) from Brookhaven Drive to the Raymond Townline, Tandberg Trail (Route 35 and 115), River Road, and Manchester Drive that are south of White's Bridge Road.~~

~~(1)~~(2) (Reserved)

- ~~(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.

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Commented [AL11]: Is this necessary here as it's already covered by Section 120-1201F?

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Commented [SP12]: Include the North Windham sidewalk Impact fee area.

Commented [BM13]: I think this is implied language that is unnecessary.

(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.~~

Commented [BM14]: I've incorporated the last sentence re: existing sidewalk sections

~~G.F. Sunset provision. The fee~~This Section 1202, as it pertains only to the North Windham Sidewalk Impact Fee Area, shall remain in effect until the Town has collected \$3.0 million in impact fees related to the development of properties in said area, as adjusted for construction cost inflation, in the North Windham Sidewalk Impact fee area \$2.1 million in fees in subarea 1 and \$900,000 in subarea 2 (as adjusted for construction cost inflation) or until July 1, 2026³⁶, whichever comes first, unless such time is extended by vote of the Town Council.

Commented [SP15]: Combined the total amount to be collect in the one impact fee area.

Commented [SP16]: Extended the time period for 10 more years