

§ 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 ~~throughout various sidewalk impact fee -Commercial 1 Zoning District as set forth in the Town's 21st Century Downtown Plan (see areas in North, Center, South, East, and West Windham. The North Windham Sidewalk Impact Fee Area will use the~~ Methodology, dated May 14, 2013, in Appendix ~~E²~~). This ~~area~~ includes ~~Commercial 1 (C-1) and 1 North (C-1N) Zoning Districts and sidewalk improvements as forth in the Town's 21st Century Downtown Plan and are requested in the following areas: Roosevelt Trail (Route 302) from Brookhaven Drive to the Raymond Townline, Tandberg Trail (Route 35 and 115), River Road, and Manchester Drive. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]~~
- B. Need for the improvements. The road network in the North Windham ~~commercial mix-used~~ districts serves a large volume of vehicular traffic. The roads serve to provide mobility throughout the region, and local access to commercial ~~establishments, nonresidential, and residential developments~~. In addition, the public road network provides pedestrian movement between local commercial businesses ~~as well as 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 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) ~~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 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 ~~Master~~ Fee Schedule. The formula described above shall be calculated as follows:

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.

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

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

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

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

Commented [SP7]: Adding Non-residential capture all types of development in these two districts, making the impact fee fairer.

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

* greater of the impact fee.

Commented [SP8]: Added road frontage for consistencies with §120-1202D(4).

- (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) Installation of granite or slip-form concrete curbing, determined by the Director of Public Works or designee. if no curbing exists.
- (b) Installation of closed drainage infrastructure if no curbing exists as determined by the Director of Public Works or designee.
- (c) Replacement of existing bituminous curbing with granite or slip-form concrete, determined by the Director of Public Works or designee curbing.
- (d) Resetting of existing granite curbing as determined by the Director of Public Works or designee due to the condition of existing granite curbing.

Commented [SP9]: Added slip-form concrete curbing and allows the director of Public Works to appoint designee

- (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 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. The ~~subareas~~ are as follows:

- (1) Roadways within the C-1 ~~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.~~

Commented [SP10]: Include the North Windham sidewalk Impact fee area.

- ~~(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 \$3.0 million 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, 2026~~36~~, whichever comes first, unless such time is extended by vote of the Town Council.

Commented [SP11]: Combined the total amount to be collect in the one impact fee are.

Commented [SP12]: Extended the time period for 10 more years