

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

A. Description of the improvements. A sidewalk impact fee will be used to partially fund the construction of public sidewalks to accommodate pedestrian movement in the various sidewalk impact fee areas established under this Section 1202. The sidewalk impact fee areas are as follows:

- (1) The North Windham Sidewalk Impact Fee Area. This area includes all properties within the Commercial I (C-1), Commercial II (C-2) and Commercial I North (C-1N) Zoning Districts and includes sidewalk improvements to Roosevelt Trail (Route 302) , Tandberg Trail (Route 35 and 115), River Road, and Manchester Drive.
- (2) (Reserved)

B. Need for the improvements.

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

(2) (Reserved)

C. **Applicability.** The following development activities commenced on or after June 14, 2013, on properties that do not have an existing sidewalk along the entirety of their frontage shall be subject to the impact fee:

- (1) The construction, erection, or placement of new buildings with a gross area that is greater than, or equal to, 500 square feet;
- (2) The 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 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 \$))]

- (a) For impact fees assessed to properties within the North Windham Sidewalk Impact Fee Area, 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)]**

- (b) (Reserved)

- (2) The base impact fee shall be adjusted consistent with 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 frontage at the time of the application, multiplied by the base impact fee, as adjusted subject to §120-1202D(3). If the calculated fee is less than the maximum, future development of the same property that meets the criteria of § 120-1202C will be 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.
 - (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 on sidewalk construction within the areas from which they are collected, within the timeframes imposed by statute. The areas 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), Tandberg Trail (Route 35 and 115), River Road, and Manchester Drive.
 - (2) (Reserved)
- F. **Sunset provision.** 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, or until July 1, 2036, whichever comes first, unless such time is extended by vote of the Town Council.