

Impact Fee Ordinance

Town Of



Milton, Vermont

This ordinance as amended will be effective December 31, 2012 which is the conclusion of the forty (40) day period specified by the Town of Milton Charter unless a referendum petition is filed in accordance with Section 129-104 subsection (f) of the Town of Milton Charter

Authorized by the Milton Selectboard April 23, 1990

Amended November 19, 2012 by:

Lou Mossey, Chair
Darren Adams, Vice Chair
John Gifford, Clerk
John Bartlett

Brian M. Palaia, Town Manager

Town of Milton Impact Fee Ordinance

Pursuant to the provisions of 24 VSA, Chapter 131, the Town of Milton hereby ordains the Following IMPACT FEE ORDINANCE, to be effective as of April 23, 1990; last amended November 19, 2012, to be effective December 31, 2012.

Section 100 Findings

- (1) The Town of Milton has adopted Zoning Regulations (April 22, 1972; last amended March 26, 2007) and Subdivision Regulations (August 14, 1969; last amended November 28, 2005) and is engaged in a planning process which has been certified by the Chittenden County Regional Planning Commission.
- (2) The Town of Milton has completed a Capital Improvement Program analyzing the costs of acquiring, constructing and improving capital projects necessary to maintain levels of municipal service deemed sufficient for public health, safety, welfare and convenience.
- (3) The impact fee herein established and the formula by which said fee shall be calculated are hereby found and determined to reflect the cost of maintaining an appropriate level of service consistent with the Comprehensive Plan, the Capital Improvement Program, and the various studies that have been conducted for the Town of Milton, to be provided by capital projects and expenditures resulting from development.
- (4) The Town of Milton, in its "Impact Fee Schedule" chapter of its Capital Improvement Plan, which is updated each fiscal year has taken into consideration those factors set out in 24 VSA, Section 5203 in establishing and assessing impact fees imposed herein.

Section 101 Impact Fees Imposed

For any development, construction or project located within the Town of Milton for which a zoning permit for a principle structure, or addition thereof, is required, there is hereby assessed an impact fee which will be computed and assessed in accordance with the formula and methodology set out in the most recently adopted Capital Improvement Plan. Applicants for zoning permits shall have the option of paying the impact fee when the zoning permit is issued or upon application for a certificate of compliance/occupancy (CO). The impact fee assessed will be the impact fee in effect at the time of issuance of the zoning permit or CO, depending on when the Applicant chooses to pay the impact fee; provided, however, that if the impact fee is paid at the time of issuance of the zoning permit, and the zoning permit is later renewed, the renewal shall be assessed an impact fee reflecting the difference between the impact fee computed at the time of issuance of the renewal and the impact fee collected at the time of issuance of the original zoning permit. No refunds shall be issued as a result of the renewal of a zoning permit. Any applicant assessed an impact fee shall receive a copy of this Ordinance, a statement of appeal rights, and sign and acknowledge a receipt of said ordinance.

Section 102 Exemptions

Section 5205 of Title 24 VSA permits municipalities to exempt certain types of development from any part or all of the impact fee assessed. Therefore, elderly dwelling units and one-bedroom dwelling units as defined in the Zoning Regulations that are stand alone or attached in a complex shall pay 75% of the total impact fee assessed for residential units. Accessory apartments shall be 100% exempt from the total impact fee assessed for residential units. The purpose of this exemption is that these units are expected to have a lower overall impact on Town services, and to further the goals of the 2008 Comprehensive Plan to encourage affordable and moderate housing units and a mix of housing types that are affordable to a variety of income levels and encourage opportunities to provide affordable in home care to those who need it through more affordable housing opportunities.

Non-residential development is hereby exempt from the assessment of impact fees. The purposes of this exemption are two-fold: (1) to further the goal of the Comprehensive Land Use Plan to "achieve a sufficiently diversified and healthy economy" so that the tax burden "will not fall disproportionately on the residential and agricultural property," and (2) to provide for the retention and expansion of existing employment, and the generation of new employment in the Town.

Section 103 Accounting

All impact fees imposed and collected under Section 101 hereof shall be maintained in a segregated account and shall be used only to fund capital projects identified as related to the development for which the impact fees are collected. The Town of Milton shall produce annually an accounting identifying the source of each impact fee, the amount thereof and the capital project attributable thereto.

Section 104 Use of Fees

All impact fees imposed and collected under Section 101 hereof, and all interest accretions, shall be expended only to those capital projects attributable to the impact fees imposed thereto.

Section 105 Refund of Fees

All applications for refund of any unexpended impact fees shall be made in writing to the Selectboard within twelve (12) months of the sixth anniversary of the date upon which such impact fee was paid. Thereafter, any claim for a refund shall be barred and of no force and effect.

Section 106 Utility Projects

Nothing herein shall be construed to impair the ability of the Town of Milton, acting by and through its Selectboard, to enter into independent contracts for the provision or extension of municipal water and sewer services, systems, and improvements~ provided, however, that a reasonable proportion of the cost thereof attributable to and paid by any person otherwise subject to the impact fee imposed by Section 101 hereof, may be deducted from such impact fee.

Section 107 Full Payment of Impact Fee Required

No certificate of compliance/occupancy shall be issued until full payment of the impact fee imposed by Section 101 is paid.

Section 108 Administrative Appeals

In accordance with 24 VSA, Section 5203(f), there is hereby established a procedure for the administrative appeal of the impact fee assessed. The appeal board shall consist of three members: one appointed by the Milton Selectboard~ one appointed by the Milton School Board, and one appointed by the Milton Planning Commission. Said appeal board shall have the authority to determine whether the impact fee assessed by the Zoning Administrator is in accordance with the formula and methodology set out in the most recently adopted Capital Improvement Plan. In reversing a decision of the Zoning Administrator, the appeal board shall fix the amount of the impact fee to be assessed to a particular project.

Section 109 Effective Date

This Ordinance shall be in full force and effect with respect to all zoning permits and/or certificates of compliance/occupancy duly issued by the Town of Milton forty (40) days after adoption by the Selectboard.

Section 110 Affect on Other Ordinances

This Ordinance shall not be construed to repeal, modify, or amend any existing Ordinance of the Town of Milton.

Section 111 Failure to Comply

Any person commencing or undertaking development in the Town of Milton without first complying with the provisions of this Ordinance, including the payment of any impact fee imposed hereunder, shall be subject to a penalty, not to exceed \$500 per day for each day a violation of the Ordinance continues, to be recovered in a civil action commenced by and prosecuted in the name of the Town. The penalty imposed in this section shall not be in lieu thereof: In addition to the penalties provided for herein, the Town shall have the power to enjoin and abate any violations of this Ordinance.