

AN ORDINANCE TO AMEND ARTICLE 14 OF THE ZONING ORDINANCE TO MODIFY THE THRESHOLD TO REQUIRE A TIA, THE THRESHOLD TO REQUIRE AN INTERSECTION TO BE STUDIED, AND OTHER VARIOUS CLARIFICATIONS

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 14.2.1(a) of the **Zoning Ordinance** is hereby amended as follows:

- a) A TIA is required for any development or portion thereof, which is expected to create one hundred **fifty** (~~100~~ **150**) or more peak hour vehicle trips or one thousand **five hundred** (~~1,000~~ **1,500**) or more daily vehicle trips except as provided in subsections (c) through (f) below or when road improvements are excluded by North Carolina State Law. Daily trips are those occurring on peak days on the roadway adjacent to the proposed development, based on the current edition of the ITE (Institute of Transportation Engineers) Trip Generation Manual, with the exception of public and private schools which will be based on the **North Carolina Department of Transportation's** (NCDOT's) most recent MSTTA School Traffic Calculator. Alternative trip generation rates/equations for non-standard uses may be utilized subject to Town Engineering staff approval. **The Town Engineer may waive the TIA requirement set forth herein when a TIA is required by NCDOT and completed pursuant to NCDOT standards.**

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 14.2.1(d) of the **Zoning Ordinance** is hereby amended as follows:

- d) Where a development is expected to generate less than one hundred **fifty** (~~100~~ **150**) peak hour trips, but is anticipated to adversely impact intersections within the Town, a TIA may be required as determined by the Town Engineer.

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 14.2.3 of the **Zoning Ordinance** is hereby amended as follows:

Once the Town has made a Determination of Need for a TIA, the applicant may proceed with the TIA **scoping**. **Once the TIA scoping is complete, the applicant may proceed with the TIA report**, in accordance with the terms of the most recent version of the *Town of Huntersville TIA Process and Procedures Manual*, as approved by the Town Engineer and all applicable Zoning Ordinance and Subdivision Ordinance requirements. The draft TIA shall be submitted to Town staff 30 days prior to either the Town Board Public Hearing (for rezoning cases) or the Planning Board Meeting (subdivisions). Resubmittals of TIAs ~~are to be received~~ **shall be submitted** a minimum of 20 business days prior to the scheduled Town Board final action. The final sealed TIA shall be completed and accepted by Town staff prior to final action by the Town Board or permit issuing authority.

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 14.3 of the **Zoning Ordinance** is hereby amended as follows:

The impact study area designates the intersections for a TIA study where potential increases in traffic from the development may cause degradation of levels of service. Where traffic from the proposed development is anticipated to increase a signalized or major unsignalized intersection single approach by ~~30~~ **40** vehicles in a peak hour or increase the total of all approaches by ~~50~~ **70** vehicles in a peak hour, the intersection shall be studied in the TIA. Should an intersection be considered at its ultimate buildout laneage or configuration or within the delivery portion of the current NCDOT State Transportation Investment Program (STIP) prior to final action taken by the Town Board, the Town Engineer may waive the requirement to include the intersection for study in the TIA.

Section 5. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 14.4.2 of the **Zoning Ordinance** is hereby amended as follows:

Infrastructure shall be considered sufficient if the ICU percentage is at or below those established in Section 14.4.1 or when, as a result of proposed development, an increase in the ICU percentage is three (3) percent or less.

Where an ICU percentage is above those established in Section 14.4.1 or, as a result of proposed development, becomes greater than the adopted standard and ~~AND~~ has increased by more than 3 percent; a development application may be approved if the applicant proposes measures that fully mitigate the transportation impacts of the proposed development.

Proposed mitigation shall fully reduce the ICU percentage of the impacted intersection to either the adopted standard in Section 14.4.1 or to within 3 percent of the no-build ICU percentage.

Proposed mitigation measures ~~required~~ to meet the ICU percentage standards of Article 14.4.1 may be modified, subject to Town Board approval, in order to substantially achieve the intent of this ordinance with input provided by the Town Engineer.

A modification to the proposed mitigation, which may be considered by the Town Board as meeting the intent of the ordinance, is where proposed mitigation at an impacted intersection provides measurable and beneficial surplus capacity (above and beyond ~~that required to meet the minimum~~ **ICU percentage standards requirements**) such that the surplus capacity may be counted toward credit in the mitigation of other impacted intersections. The method of measurement considered in determining the acceptability of such modifications will be the net effect on the cumulative ICU percentage totals.

Proposed mitigation may also include the provision of funding for transportation improvements on planned or funded Town or NCDOT projects previously adopted such that the improvements can be advanced to mitigate the impacts of the proposed development. This funding mitigation may be accepted by the Town Board only where it is shown that such mitigation is a reasonable substitute for actual construction based on the ICU percentage totals and anticipated construction schedules of the projects. Proposed mitigation shall be included as a condition of approval.

Transportation improvements provided through mitigation, pursuant to this Article, shall be completed and available within three (3) years of the approval of the development proposal, unless expressly provided otherwise by the Town Board or other applicable Town permitting authority. Any improvements not completed prior to the issuance of a Certificate of Occupancy, shall be secured by a performance guarantee at 115 percent of the cost **to complete** ~~of~~ the remaining ~~required~~ improvement(s), as reviewed and approved by the Town Engineer. All necessary right-of-way for the ~~required~~ transportation improvements shall be acquired prior to the issuance of a Certificate of Occupancy, **whenever practicable**.

Mitigation measures shall be consistent with the Standards found within the Town of Huntersville TIA Process and Procedures Manual and the Town Engineering Standards and Procedures Manual.

Section 6. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 14.5.3b) of the **Zoning Ordinance** is hereby amended as follows:

Roadway and intersection improvements funded by the Town in the current year Capital Improvement Plan, NCDOT, or other party, scheduled to be completed ~~and available within three (3) years of the approval of the development proposal~~ or within the delivery portion of the current NCDOT State Transportation Investment Program (STIP) and which

either have or are reasonably certain to have all necessary governmental approvals and funding such that these timeframes can be met.

Section 7. That this ordinance shall become effective upon approval by the Huntersville Town Board.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: September 2, 2021

PUBLIC HEARING DATE: October 4, 2021

PLANNING BOARD MEETING: October 26, 2021

TOWN BOARD DECISION: November 1, 2021

AN ORDINANCE REPEALING ARTICLE 14 OF THE ZONING ORDINANCE AND AMENDING ARTICLES 9 AND 11 OF THE HUNTERSVILLE ZONING ORDINANCE

BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 14 of the Huntersville Zoning Ordinance is repealed, and Articles 9 and 11 of the Huntersville Zoning Ordinance is amended as follows:

Section 1. Article 14 of the Zoning Ordinance entitled "Traffic Impact Analysis (TIA)" is repealed in its entirety.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.23b of the **Zoning Ordinance** is hereby amended as follows:

~~b. That the proposed or existing use will be in compliance with the rules and regulations as established by Traffic Impact Analysis (TIA) Article 14.~~

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.35.3f) of the **Zoning Ordinance** is hereby amended as follows:

~~f. A traffic impact analysis, including a mandatory circulation plan and queuing analysis must be approved by the Town of Huntersville Engineering and Public Works Department prior to plan approval. Should conditions in the field vary from the analysis, the Town Engineer has the ability to modify the circulation plan.~~

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 11.6.1b4) of the **Zoning Ordinance** is hereby amended as follows:

~~4) if required under Article 14, no Traffic Impact Assessment has been approved by the Town.~~

Section 5. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 11.6.2a) of the **Zoning Ordinance** is hereby amended as follows:

~~a) Site plans shall be required from applicants prior to issuance of any Permit (building, zoning, special use permit, variance) if deemed necessary by the Zoning Administrator to determine zoning compliance. If required by Article 14, a Traffic Impact Assessment shall be submitted with the residential or nonresidential site plan.~~

Section 6. That this ordinance shall become effective upon approval by the Huntersville Town Board.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: September 2, 2021

PUBLIC HEARING DATE: October 4, 2021

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TOWN BOARD DECISION: November 1, 2021

AN ORDINANCE TO AMEND SECTION 6 OF THE HUNTERSVILLE SUBDIVISION ORDINANCE

BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Section 6 of the Subdivision Ordinance is hereby amended as follows:

Section 1. Section 6.200(19) shall be amended to read as follows:

19. Impact of Development on Public Facilities

When reviewing certain subdivisions, the town shall consider the impacts the proposed development will have on public facilities in light of the requirements of Section 6.300(13) ~~and Article 14 of the Town Zoning Ordinance~~, as applicable. The developer shall demonstrate the proposed subdivision does not adversely affect the health, safety and welfare of the community, and where applicable, the developer may provide mitigation measures to minimize adverse impacts. Examples of mitigation measures include altering development layout and plans, providing improvements at nearby intersections to address impacts of that development (not existing deficiencies), and providing street connections to adjoining property for safe and efficient movement of traffic, as further provided in Section 6.300(13) ~~and Article 14 of the Zoning Ordinance~~.

Section 2. Section 6.300(13) shall be amended to read as follows:

13. ~~Traffic Impact Assessments;~~ Physical Analysis.

~~1. a Traffic Impact Assessment for certain subdivisions, as required by Article 14 of the Town Zoning Ordinance, which is hereby incorporated by this reference.~~

~~2.1.~~ for developments of twenty (20) or more residential units or equivalent traffic generation a Physical Analysis (type of units expected including number of bedrooms, projected values, size and timing of phases, etc.).

Section 3. Section 6.850 shall be amended to read as follows:

~~6.850 TRAFFIC IMPACT ASSESSMENTS~~

~~Where required, Traffic Impact Assessment shall be provided by the applicant, in accordance with Article 14 of the Town Zoning Ordinance, which are incorporated by this reference.~~

Section 4. That this ordinance shall become effective upon approval by the Huntersville Town Board.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: September 2, 2021

PUBLIC HEARING DATE: October 4, 2021

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TOWN BOARD DECISION: November 1, 2021