

ORDINANCE NO. \_\_\_\_\_ - 2021

AN ORDINANCE AMENDING ARTICLES 6-1 and 21-4 OF THE ZONING ORDINANCE TO SIMPLIFY AND MODERNIZE REGULATIONS RELATED TO TRAFFIC IMPACT STUDIES. (PLANNING COMMISSION).

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WHEREAS, the Lexington-Fayette Urban County Planning Commission has initiated a text amendment to Articles 6-1 and 21-4 of the Zoning Ordinance to simplify and modernize regulations related to Traffic Impact Studies; and

WHEREAS, the Planning Commission has considered a text amendment to Articles 6-1 and 21-4 of the Zoning Ordinance to simplify and modernize regulations related to Traffic Impact Studies. The Planning Commission did recommend APPROVAL of the staff alternative text by a vote of 11-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 6-1 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

Sec. 6-1. - Application for Zoning Map Amendment. A proposal for amendment to the zoning map may originate only with the Commission, the Lexington-Fayette Urban County Council, the owner of the subject property, or by a person having written authorization from the owner of the subject property. Regardless of the origin of the proposed amendment, an application must be filed with the Commission requesting the proposed amendment in such form and accompanied by such information as required by this Zoning Ordinance and the by-laws of the Commission. At the time of filing an application, a non-returnable filing fee shall be paid according to the schedule of fees as established by the Commission, however, there shall be no filing fee for an amendment requested by the Lexington-Fayette Urban County Council, the Commission, or any other governmental agency. Upon the filing of an application for a map amendment by a governmental body, the Commission shall promptly notify the owner of the subject property as required by KRS 100.

(a)Traffic Impact Studies. All significant developments requiring a Zoning Map Amendment shall submit a Traffic Impact Study. As used herein, the term "significant developments" shall mean any development which will generate more than one hundred (100) new trips and will have a potential impact on areas of congestion bottle-necks and high crash areas as identified by Transportation Planning staff; or alternatively, two hundred (200) or more additional (new) peak trips during the adjacent roadway's peak hour or the development's peak hour. The applicant shall have the responsibility of conducting and paying for the study.

The Urban-County Government will cooperate and coordinate with the

applicant's team to provide any available data. To the extent that the Urban-County Government has done any independent traffic study pertinent to the proposed development, the results of such study shall be made available to the applicant.

Anticipated roadway improvements shall be determined by a review of the Transportation Improvement Program and in consultation with staff from the Divisions of Planning, Traffic Engineering, the Kentucky Transportation Cabinet, and other agencies as deemed appropriate. If the proposed development is within one (1) mile of any county boundary line, then any proposed roadway improvements in the adjoining county shall be included in the study.

The Transportation Planning staff shall review, analyze, and make recommendations on any Traffic Impact study to be submitted as evidence in a rezoning hearing regardless of whether or not such study is required by this Zoning Ordinance.

(b) The following are the requirements of a traffic impact study:

1. The analysis should be presented in a straightforward and logical sequence, and should begin with study purpose and objectives. If the development proposal will likely result in a future Subdivision Regulation waiver request of any part of the transportation infrastructure, then additional development scenarios which meet the regulations will also need to be modeled and/or evaluated in addition to the applicant's proposal, as determined by the Transportation Planning staff.
2. Description of the site and study area. Care should be taken to include all known congested locations that may be impacted by the proposed development. The scope of the study area should be measured from the boundary of the property to the arterial intersections in all directions within one (1) mile, or as otherwise necessary as agreed to with Transportation Planning staff.
3. Existing conditions in the area of the development to include current AADT and Peak Hour traffic volume counts on the adjacent road or roads and intersections (including turning movements), existing level of service on roadways and physical characteristics of the subject roadways. Average peak hour traffic volume shall be the highest average peak hour volume for any weekday 24-hour period.
4. Anticipated nearby development, to the extent that the information can be obtained from existing data compiled by the Transportation Planning staff.
5. A plan of the proposed development.
6. The proposed number and type of dwelling units for residential development and for nonresidential developments, the square footage, employees or other relevant trip generation variables of all buildings and a description of their use.
7. Documented trip generation for each land use and total trip generation, including assumptions and reasoning and the source(s) of trip generation. Additionally, any adjustments to trip generation rates to reflect pass-by trips captured, mixed use, walk-ins, etc., should be justified in the study report.
8. Trip distribution and assignment, including methodology, assumptions, and reasoning underlying the distribution and assignment. Additional assessment of anticipated commercial vehicles will be necessary if a proposed non-residential use is defined in the ITE industrial category (100 series) for FHWA Class 7 or above.
9. Full development year traffic volumes (assuming full buildout and occupancy) composed of all of the following:
  - (a) Existing traffic volumes.
  - (b) Non-site traffic volume growth in the corridor between the existing year and the full development year.
  - (c) The traffic volume added by the proposed development.
10. A description of any government initiated roadway/intersection improvements which have been assumed as being in place at full development.

11. Capacity, queue lengths, functional area of operation of intersections, and level of service determination during the peak or critical period(s) for the full development year for all affected streets/roads and all intersections, within the study boundary.
12. An assessment of the change in roadway and intersection operating conditions resulting from the development traffic.
13. Recommendations, if any, for site access and public transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service (level of service D or E, if agreed to by Transportation Planning staff).
14. An assessment of and recommendations regarding any concerns in the study area related to safety, neighborhood traffic calming techniques, and multi-modal improvements to encourage a mode-shift from single-occupancy vehicles including, but not limited to, pedestrian, bicycle, transit, or ride-sharing programs.
15. If the proposed use will generate 600 or more peak hour trips, then a mapped assessment of the access to opportunity shall be provided. The mapped assessment shall demonstrate access to the number of households, employment, schools, parks, public amenities and shopping available within a 15-minute walk and bicycle route, and a 30-minute transit mode from the subject property. If necessary, include any recommendations to improve equitable transportation options and/or priorities to increase access to opportunities in the study area.
16. Recommendations for all public infrastructure improvements and noting which are proposed as part of the development at the developer's expense.

Section 2 – That Article 21-4 of the Zoning Ordinance of the Lexington-Fayette

Urban County Government is hereby amended to read as follows:

Article 21-4 (c)

(Development Plan) Review. The Division of Planning and concerned agencies shall review the development plan, and then meet together as a Technical Committee to try to resolve all differences and to make recommendations to the Commission's Subdivision Committee. The Subdivision Committee will review all recommendations, and then forward their recommendations to the Commission. The Subdivision Committee shall have the authority to require an applicant to prepare a traffic impact study for significant developments per Article 6-1(a). These Committee meetings shall be open to the developer and to any interested citizen, however, each Committee may impose rules which control participation by non-members in attendance. The developer may secure recommendations from the staff at any of the review checkpoints, and proceed to make plan changes so that revised plans may be submitted to the remaining review groups.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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Clerk of Urban County Council

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