

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment proposal)

AN ORDINANCE AMENDING ARTICLE 5, SECTION 5.8.1 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE RELATED TO PAYMENTS-IN-LIEU OF BICYCLE AND PEDESTRIAN INFRASTRUCTURE

WHEREAS, the Chapel Hill Land Use Management Ordinance requires developments to extend bicycle and pedestrian systems to the site; and

WHEREAS, when bicycle and pedestrian facilities are not practicable as part of the development, the Town may wish to accept a payment-in-lieu for such facilities; and

WHEREAS, the Land Use Management Ordinance does not currently provide guidance for the Town to use the payments-in-lieu as they are collected; and

WHEREAS, the Planning Commission reviewed the text amendments to the Land Use Management Ordinance Article 5, Section 5.8.1 on March 15, 2022 and recommended further consideration of the Ordinance provisions; and

WHEREAS, the Council called a Legislative Hearing to amend Article 5, Section 5.8.1 of the Land Use Management Ordinance as it relates to payments-in-lieu of bicycle and pedestrian infrastructure for the Council's April 6, 2022 meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Article 5, Section 5.8.1, related to Bicycle and Pedestrian Payments-in-Lieu, and finds that the amendment, if enacted, is reasonable and in the public's interest and is warranted, to achieve the purposes of the Comprehensive Plan as explained by, but not limited to, the following goals of the Chapel Hill 2020 Comprehensive Plan:

- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Getting Around.2)
- Create a comprehensive transportation system that provides everybody safe and reasonable access to all the community offers (Getting Around.5)
- Incorporate street planning into zoning code (Getting Around.7)
- Promote a safe, vibrant, and connected (physical and person) community (Create a Place for Everyone.3)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Good Places, New Spaces.3)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Town Code of Ordinances, Appendix A. Land Use Management Ordinance, Article 5, Section 5.8.1, External Circulation, be amended as follows:

5.8.1. External Circulation.

(a) All development shall have access to a publicly maintained street. No zoning compliance permit or building permit shall be issued for any structure absent evidence of access to a publicly maintained street. Access may include direct access to a publicly maintained street or access via a recorded access easement across intervening property.

Every subdivided lot shall front on a public street meeting the standards of this section and of the design manual, including all required improvements such as sidewalks, curbs and gutters. (Ord. No. 2004-02-23/O-2)

(b) The type and arrangement of streets, driveways and public alleys within a development shall be in compliance with and coordinate to Chapel Hill's Transportation Plan.

(c) Principal vehicular access points to the development shall be designed to encourage smooth traffic flow with minimum hazards to pedestrian, bicycle, and other vehicle traffic. Accommodations for controlled turning movements into and out of the development and improvement of the approach street shall be provided where existing or anticipated heavy traffic flows indicate need.

(d) Whenever appropriate to the type, size, and location of development, the site shall be so arranged as to facilitate the future utilization or accommodation of public transportation.

(e) Bicycle and pedestrian systems in the vicinity of the development site shall be extended to the site to the extent practicable. Access to the site shall be in compliance with and coordinate to existing and future town bicycle and pedestrian systems and the systems of adjacent developments. Bicycle, pedestrian and transit improvements shall be installed along all public streets within and on the external street frontage of the development, to the extent practicable, in accordance with provisions in the Chapel Hill Design Manual.

(f) When extending bicycle and pedestrian systems is not practicable, the applicant for the development site shall make a payment-in-lieu. The payment shall be based on the length of frontage along a public road and the average cost of recent past bids for the specific type of improvement not being provided.

~~(f)~~ (g) Access for cyclists and pedestrians shall be by safe and convenient routes which need not be limited to the vicinity of vehicular access points. Accommodations for safe intersections of bicycle and/or pedestrian routes with adjacent vehicular routes shall be provided where existing or anticipated heavy traffic flows indicate need.

~~(g)~~ (h) Traffic impacts of proposed new development and redevelopment shall be considered in the review of applications. A traffic impact analysis is required to identify and quantify the traffic impacts of proposed developments, and to identify facility improvements necessary to maintain acceptable levels of service. A traffic impact analysis is required for the following applications, unless affirmatively exempted by the town manager: major subdivision, special use permit, special use permit modification, conditional zoning district rezoning and site plan review. Guidelines and requirements for conducting traffic impact analyses are available in the town engineering department. The guidelines provide a standard process, set of assumptions, set of analytical techniques, and presentation format to be used in an analysis. A set of criteria for exempting an application from the analysis requirement is included in the guidelines. Traffic impact analyses will be prepared by

consultants under contract with the town and the costs of the analyses will be included in the development application fees.”

Section 2. This ordinance is effective upon enactment.

This the 4th day of May, 2022.