

ATTACHMENT E

CHIEF ADMINISTRATOR'S REGULATIONS Municipality of Murrysville Impact Fee Ordinance

Section 1. Trip Generation Manual Amendments and Future Editions

The calculation of the number of new or primary trips that a new development is projected to generate for the purposes of calculating an impact fee shall be based on the average rates or equations for the weekday P.M. peak hour of adjacent street traffic using the latest edition, amendment or update of the Trip Generation manual published by the Institute of Transportation Engineers (ITE). If average rates or equations for the weekday P.M. peak hour of adjacent street is unavailable for the land use, average rates or equations for the weekday P.M. peak hour of the generator shall be used, using the latest edition, amendment or update of the Trip Generation manual published by ITE. Credit for pass-by, diverted link or shared trips shall be calculated using the average rates or equations in the Trip Generation Handbook, latest edition. The Municipality's traffic consultant shall in its sole discretion determine whether the average ITE rate or equation for that particular land use shall be used.

In instances where trip generation data has been submitted and published in the *ITE Journal* for new land uses, or where additional data has been collected for land uses that heretofore had minimal trip generation data, this data may be used with the approval of the Municipality's traffic consultant.

The current edition is Trip Generation 7th Ed. 2003 Vols. 1-3, The Institute of Transportation Engineers. When a new edition is approved by Council, it shall affect only applications for development made after that approval; provided however should a development be preliminarily approved for construction in phases, any phase occurring after the date of the approval shall utilize the newest, approved edition.

Section 2. Refunds and Adjustments

In accordance with Section 10.3 of the Impact Fee Ordinance, a refund for a portion of a paid impact fee may be requested in writing directed to the Municipality Chief Administrator within 18 months of the date of certificate of occupancy. A special traffic study shall be performed for said request, conducted by the requestor's traffic engineer, or alternately by the Municipality's traffic consultant, whose fees to perform said study are to be reimbursed by the requestor. The special traffic study shall contain counts of every vehicle entering and exiting the development between 4:00 P.M. and 6:00 P.M. on three typical weekdays. The counts are to be summarized in 15-minute increments. The total entering and exiting volume over the three typical weekdays shall be averaged to determine an average peak one-hour volume consisting of the four highest

consecutive 15-minute periods between 4:00 P.M. and 6:00 P.M. Pass-by trips, as determined using the average rates or equations in the Trip Generation Handbook, latest edition, may be deducted from the average volume, as applicable for the land use. The special traffic study shall contain all data collected, with a clear explanation of the calculations performed and the amount of credit requested. If conducted by the requestor's traffic engineer, the study shall be reviewed and must be approved by the Municipality's traffic consultant, prior to any refunds being paid.

Section 3. Content and Methodology of Traffic Studies

Traffic studies shall be performed for any new development in the Municipality that is projected to generate 300 or more vehicle trips on an average weekday, or 100 or more total vehicle trips including new and pass-by trips during any peak hour. At the Municipality Chief Administrator's discretion, a traffic study may be required for any development regardless of the number of projected vehicle trips if the development is expected to have a significant impact on safety and/or traffic flow.

The scope of the traffic study shall be determined by the Municipality traffic consultant and a written scope from the Municipality's traffic consultant will be submitted to the Chief Administrator and the proposed development's applicant and/or representative. The scope of traffic study will contain the locations and time periods that the study needs to include as well as any other requirements specific to the site. If a traffic study is also required by the Pennsylvania Department of Transportation (PennDOT), it is preferred that a single study containing both the Municipality's requirements and PennDOT's requirements be prepared.

The traffic study shall be conducted under the supervision of a person who possesses a professional engineer's license issued by the Pennsylvania State Registration Board for Professional Engineers, who shall affix a seal to the study, or may be conducted by other persons authorized by law.

For larger development projects, the Chief Administrator may require a pre-application conference with the proposed development's applicant and/or representative. At the conference, items relative to traffic and access may be discussed as well as the scope of the traffic study.

The traffic impact study shall contain the following:

- a) A description of the site and the development including the location, existing and proposed zoning, existing and proposed use(s) of the site, size of the site and existing/proposed development, proposed access location(s), phasing of site components, and year of completion.

- b) A site plan. (A reduced size copy is acceptable)
- c) A description of the roadways and intersections included in the scope of study. The description shall include as applicable, the number and usage of lanes, lane widths, posted speeds, type of traffic control, (i.e. signals, stop signs) signal phasing, etc. A description of proposed improvements within the study area that are either on the current Transportation Improvement Program For Southwestern Pennsylvania (TIP) or the Municipality's Transportation Capital Improvement Plan shall be included.
- d) Existing traffic conditions. The traffic study shall describe the data collection including the date(s) and time period(s) of traffic counts, the analyses performed including capacity analysis, levels of service, queuing analysis, traffic signal warrant evaluations, turn lane warrant evaluation, and other analyses, as applicable.
- e) All capacity analysis shall be performed in accordance with the methodologies contained in the Highway Capacity Manual, latest edition, published by the Transportation Research Board. The definitions of levels of service shall be consistent with the definitions provided in the Highway Capacity Manual, latest edition, published by the Transportation Research Board.
- f) The calculation of the number of vehicle trips shall be performed using the average rates or equations from the latest edition, amendment or update of the Trip Generation manual published by ITE, except as otherwise noted in these regulations. Credit for pass-by, diverted link or shared trips shall be calculated using the average rates or equations in the Trip Generation Handbook, latest edition.
- g) The traffic study shall contain clear and concise diagrams of existing traffic volumes, traffic volumes projected to be generated by the development, future base traffic volumes without development traffic but including a background traffic growth rate, and future traffic volumes with the development. Diagrams are to be prepared for all scoped study time periods.
- h) The traffic study shall contain analyses of future traffic conditions both without and with traffic volumes generated by the development including capacity analysis, levels of service, queuing analysis, traffic signal warrant evaluations, turn lane warrant evaluation, and other analyses, as applicable. The analyses shall determine any mitigation needed to attain the minimum acceptable level of service as defined in the Impact Fee Ordinance.

- i) The traffic study shall contain clear and concise findings and recommendations including a description of proposed improvements within the study area that are needed to attain the minimum acceptable level of service as defined in the Impact Fee Ordinance. These improvements may include projects on the Municipality's Transportation Capital Improvement Plan.
- j) The traffic study shall include an evaluation of safe stopping sight distance at the site access location(s) consistent with the methodologies contained in PennDOT Publication 282, Highway Occupancy Permit Guidelines.
- k) Where improvements are needed that are not on, or are in addition to, the improvements specified in the Municipality's Transportation Capital Improvement Plan, a cost estimate for said improvements shall be prepared and included in the traffic study.
- l) All traffic counts, calculations, analysis, and other supporting documentation shall be contained in a technical appendix. The technical appendix may be bound separately from the study.
- m) The requisite number of copies of the traffic study and technical appendices are to be submitted to the Municipality concurrently with, or before, submission of an application for major subdivision and land development. In certain instances as determined by the Chief Administrator, a traffic study may be requested for submittal with an application for rezoning.

Section 4. Content and Methodology of Special Traffic Studies

A special traffic study shall be required under the following circumstances:

- a) No vehicle trip generation data exists for the land use for which application is being made in the latest edition, amendment or update of the Trip Generation manual published by ITE.
- b) Minimal trip generation data exists for the land use for which application is being made in the latest edition, amendment or update of the Trip Generation manual published by ITE and the data that exists has no fitted curve equation with a relatively high standard deviation and wide range of trip generation rates.
- c) The independent variable for the land use for which application is being made (i.e. floor size, number of employees, etc.) is well outside of the range for which trip generation data is available in the latest edition, amendment or update of the Trip Generation manual published by ITE.

- d) No pass-by trip data is available in the Trip Generation Handbook, latest edition for the land use in which application is being made.

The need for a special traffic study shall be determined by the Chief Administrator with direction from the Municipality's traffic consultant.

A special traffic study shall be conducted by the applicant's traffic engineer, or alternately by the Municipality's traffic consultant, whose fees to perform said study are to be reimbursed by the applicant. A special traffic study shall be performed by collecting traffic counts of every vehicle entering and exiting a development or developments of similar use and size between 4:00 P.M. and 6:00 P.M. on three typical weekdays, and other peak periods as determined by the Chief Administrator with direction from the Municipality's traffic consultant. The counts are to be summarized in 15-minute increments. Prior to performing the counts, it is recommended that the applicant or applicant's traffic engineer provide information on the development or developments to be counted. The total entering and exiting volumes shall be averaged to determine an average peak one-hour volume consisting of the four highest consecutive 15-minute periods between 4:00 P.M. and 6:00 P.M. and other peak hours within the peak periods as required. Pass-by trips, as determined using the average rates or equations in the Trip Generation Handbook, latest edition, may be deducted from the average volume, as applicable for the land use. If a pass-by trip rate is being determined as part of the special traffic study, the methodology shall follow the guide set forth in the Trip Generation Handbook, latest edition. The special traffic study shall contain all data collected, with a clear explanation of the calculations performed to determine the vehicle trip generation. If conducted by the requestor's traffic engineer, the study shall be reviewed and must be approved by the Municipality's traffic consultant, prior to its use for determining an impact fee or for a traffic study.

Section 5. Parcels Within and Outside the Transportation Service Area

Should a non-exempt parcel for development be located both within and outside the Transportation Service Area (TSA), the following conditions shall apply towards the assessment of an impact fee for a development on that parcel:

- a) If the parcel is proposed to be subdivided, consideration of only those lots or that portion of those (that) lot(s) that lie completely within the TSA shall be given.
- b) The location of the proposed structure(s) on a lot shall determine the amount or proportion of the impact fee to be assessed. The exception is a single-family dwelling. (1 P.M. peak hour trip) Should any part of a single-family dwelling structure lie within the TSA, an impact fee shall be assessed.

- c) If the proposed development does not include a primary structure, the amount of the impact fee to be assessed shall be based on the proportion of the lot area within the TSA.
- d) Impact fee credits for pre-existing development shall be applied in the same manner as a) through d) above.

Section 6. Pre-Development Credit

A credit for new P.M. peak hour trips for existing development, whether occupied or vacant, shall be applied towards an impact fee for new development occurring on that parcel or that portion of a parcel, under the following conditions:

- a) The existing development is being eliminated and replaced, in whole or in part, by the new development.
- b) The existing development is being renovated, remodeled, expanded, reduced in size, and/or constitutes a change in use significant in the traffic volume projected to be generated.

The credit shall be determined for existing development based on the average rates or equations for the weekday P.M. peak hour of adjacent street traffic using the latest edition, amendment or update of the Trip Generation manual published by the Institute of Transportation Engineers (ITE). If average rates or equations for the weekday P.M. peak hour of adjacent street is unavailable for the land use, average rates or equations for the weekday P.M. peak hour of the generator shall be used, using the latest edition, amendment or update of the Trip Generation manual published by ITE. Credit for pass-by, diverted link or shared trips shall be calculated using the average rates or equations in the Trip Generation Handbook, latest edition.

In those instances where the circumstances exist as described in Section 4 of these regulations, a special traffic study shall be performed in accordance with Section 4. If the existing use is partially or totally vacant, the best information available such as the number of previous employees shall be used to determine the credit.

In no event shall the credit be greater than the estimate of the P.M. peak hour trip generation submitted to either the Municipality at the time of land development approval or PennDOT at the time of highway occupancy permit approval for the existing facility. The Municipality may utilize the prior study, should the same be available in its files or at PennDOT, to determine the credit and waive the requirement of a new study.

In no event shall the amount of the pre-development credit result in a refund of impact fees from the Municipality towards the new development. Where a parcel

had previously received a waiver pursuant to Section 7 below, no credit shall be allowed.

Section 7. Special Studies after Occupancy

In the event that an Developer desires to do a special study to seek a refund for excess trips purchased, the study shall meet the requirements of Section 4 above. The study cannot be conducted until the New Development has been in operation for at least one year from the date of the first occupancy permit to be issued for space within the New Development. The study shall set forth the occupancy rate of the New Development at the time of the special study and shall project the trip generation at the time of full occupancy using a methodology approved by the Chief Administrator prior to the special study.

The Council on its own motion or upon complaint of a property owner within the impact fee district, may conduct a special study after occupancy on any New Development where a special study had been used to calculate the impact fee or where the recommended levels of service on nearby roadways within the transportation service area are not meeting the preferred levels of service.

Section 8. Impact Fee Account, Sub accounts, Advances and Interest Earned

All Impact Fees collected shall be placed in a separate interest bearing account. No sub accounts shall be required for any New Development; provided however the Chief Administrator may provide for the same in the case of a payment under protest which is being appealed to court but in such event the sub account amount shall only be for the amount so protested. The sub accounts need not be created at a financial institution but may be created only on the books of the Municipality.

In the event that a refund to any developer is paid and the same requires a pro rata portion of interest earned, the interest earned shall be based upon the average monthly interest rate earned from the date that the first impact fee revenue was deposited in the account until the month before the date the refund is paid. The refund shall be based upon the number of months that the developer's actual impact fee payment has been in the interest bearing account based upon the first day of the month following the month of the deposit being assumed as month one and the last date of the month before the refund is paid being the date of withdrawal.

In order to allow for the orderly design and construction of the transportation projects in the Transportation Capital Improvement Plan, the Municipality, may from time to time, upon proper authorization by the Council, advance general funds to the Impact Fee Account. Such funds or a portion of such funds may be withdrawn at any time and from time to time when the Council determines that

they are no longer needed for the orderly design and construction of the transportation projects. Any interest earned on such advances shall be placed in the general fund and shall not be included in any calculation of interest available for refunds.