

Item 4B - Traffic Mitigation

With this initiation, staff will be proposing modifications to Section 25-6-55 of the Land Development Code, and other related sections of the LDC, to clarify and better define the City's authority to require traffic mitigation to offset the traffic effects generated by proposed development.

§ 25-6-55 - DEDICATION OF RIGHT-OF-WAY.

- (A) If the city manager determines that all or a portion of a right-of-way is needed to accommodate the estimated traffic generated by a proposed development, the applicant may be required to dedicate:
- (1) an amount of land not to exceed 150 feet for a roadway that is subject to reservation of right-of-way under [Section 25-6-51](#) (*Reservation Of Right-Of-Way*) and that is internal to a proposed subdivision or development project; or
 - (2) an amount of land not to exceed 50 percent of the total right-of-way requirement for an existing or proposed roadway that:
 - (a) is subject to reservation of right-of-way under [Section 25-6-51](#) (*Reservation Of Right-Of-Way*); and
 - (b) adjoins a proposed subdivision or development project.
- (B) An applicant may not be required to dedicate more than 75 feet of land under Subsection (A)(2).
- (C) The director may require the dedication of right-of-way in an amount greater than established in Subsection (A):
- (1) for a street that is not subject to reserved right-of-way and that does not comply with the standards in the Transportation Criteria Manual; or
 - (2) if the additional right-of-way is necessary to accommodate traffic generated by the proposed development.
- (D) The director may defer the dedication of right-of-way required at one stage of the development process to a later stage. A person must comply with all dedication requirements before the release of the subsequent application.
- (E) In addition to the dedication of right-of-way, the City may require the applicant to construct a roadway improvement or may assess a fee instead of requiring construction of a roadway improvement to offset the traffic effects generated by the proposed development.