

# Transportation



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**Contents****~~Article 23-9A: General Provisions~~**

---

**~~Division 23-9A-1: General Provisions~~**~~23-9A-1010 Intent~~~~23-9A-1020 Subdivisions in Travis County Portion of Extraterritorial~~~~Jurisdiction 23-9A-1030 Variances~~**~~Article 23-9B: Right-Of-Way and Transportation~~**

---

**~~Improvements~~****~~Division 23-9B-1: General Provisions~~**~~23-9B-1010 Applicability~~~~23-9B-1020 Establishing Building~~~~Lines 23-9B-1030 Measuring~~~~Setbacks~~~~23-9B-1040 Proportionality Of Required~~~~Infrastructure 23-9B-1050 Dedication And~~~~Reservation Of Right Of Way~~~~23-9B-1060 Constructing A Structure Or Improvement In Reserved Right Of Way~~~~Prohibited 23-9B-1070 Agreement For Temporary Use of Reserved Right Of Way~~~~23-9B-1080 Alignment~~~~23-9B-1090 Appeal Of Director's Decision For Dedication Or Reservation Of Right Of Way~~**~~Article 23-9C: Transportation Impact Analysis and Mitigation~~**

---

**~~Division 23-9C-1: Offsite Transportation  
Improvements~~**~~23-9C-1010 Mitigation Of Transportation~~~~Impacts 23-9C-1020 Establishing Building Lines~~**~~Division 23-9C-2: Traffic Impact Analysis and  
Neighborhood Impact Analysis~~**~~23-9C-2010 Traffic Impact Analysis~~~~Described 23-9C-2020 Traffic Impact~~~~Analysis Required~~~~23-9C-2030 Neighborhood Traffic Impact Analysis~~



~~Described 23-9C-2040 — Neighborhood Traffic Impact Analysis Required~~  
~~23-9C-2050 — Qualitative Active Mode Analysis For Development Projects~~  
~~23-9C-2060 Standards For Traffic Impact Analysis~~  
~~23-9C-2070 — Waiver Authorized~~

---

## **Division 23-9C-3: Approval Process**

~~23-9C-3010 — Action On Application~~  
~~23-9C-3020 — Application Modification Based On Traffic Analysis~~  
~~23-9C-3030 Appeal Of Director Action~~

### **Article 23-9A: General Provisions**

---

#### **Division 23-9A-1: General Provisions**

~~23-9A-1010 Intent~~  
~~23-9A-1020 Subdivisions In Travis County Portion Of Extraterritorial Jurisdiction~~  
~~23-9A-1030 — Variances~~

### **Article 23-9B: Right-Of-Way And Transportation**

#### **Improvements**

##### **Division 23-9B-1: General Provisions**

~~23-9B-1010 Applicability~~  
~~23-9B-1020 Establishing Building Lines~~  
~~23-9B-1030 Measuring Setbacks~~  
~~23-9B-1040 Proportionality of Required Infrastructure~~  
~~23-9B-1050 Dedication and Reservation of Right-of-Way~~  
~~23-9B-1060 Constructing a Structure or Improvement in Reserved Right-of-Way Prohibited~~  
~~23-9B-1070 — Agreement for Temporary Use of Reserved Right-of-Way~~  
~~23-9B-1080 Alignment~~  
~~23-9B-1090 Appeal of Director's Decision for Dedication or Reservation of Right-of-Way~~

### **Article 23-9C: Transportation Impact Analysis**

---

#### **Division 23-9C-1: System Transportation Improvements**

~~23-9C-1010 Mitigation of Transportation Impacts~~  
~~23-9C-1020 Fee In-Lieu of System Mitigation~~  
~~23-9C-1030 Transportation Mitigation for Affordable Housing Projects~~

---

#### **Division 23-9C-2: Transportation Impact Analysis**

~~23-9C-2010 Transportation Impact Analysis Described~~  
~~23-9C-2020 — Transportation Impact Analysis Required~~  
~~23-9C-2030 Neighborhood Transportation Impact Analysis Described~~  
~~23-9C-2040 — Neighborhood Transportation Impact~~

Analysis Required 23-9C-2050 Active Mode Analysis  
Described  
23-9C-2060 Active Mode Analysis  
Required 23-9C-2070 Standards for  
All Analyses  
23-9C-2080 Waiver Authorized

## ~~Article 23-9D: Street Design~~

---

### ~~Division 23-9D-1: Roadways Generally~~

~~23-9D-1010 Standards For Design And  
Construction 23-9D-1020 Street Names  
23-9C-1030 Street Signs~~

---

### ~~Division 23-9D-2: Roadways In Water Supply Rural Watersheds Or Water Supply Suburban Watershed~~

~~23-9D-2010 Applicability  
23-9D-2020 Streets In Critical Water Quality Zone Or Water Quality  
Buffer Zone 23-9D-2030 Street Cross-Section Design  
23-9D-2040 Modifications To Street Design~~

## ~~Article 23-9E: Driveway, Sidewalk, Urban Trail, And Right-Of- Way Construction~~

---

### ~~Division 23-9E-1: Construction License~~

~~23-9E-1010 License  
Required 23-9E-1020  
Application;  
Bond  
23-9E-1030 License Approval  
Standard 23-9E-1040 License  
Fee  
23-9E-1050 License Term; Suspension and Revocation~~

---

### ~~Division 23-9E-2: Right-Of-Way Permit~~

~~23-9E-2010 Permit Required For A  
Project 23-9E-2020 Application  
23-9E-2030 Permit For Driveway  
Approach 23-9E-2040 Driveway  
Approach Design  
23-9E-2050 Automatic Revocation  
23-9E-2060 Automatic Suspension  
23-9E-2070 Enforcement~~

---

### **Division 23-9C-3: Approval Process**

23-9C-3010 Action on Application

23-9C-3020 Application Modification Based on Transportation

Analysis 23-9C-3030 Appeal of Director Action

## **Article 23-9D: Street Design**

---

### **Division 23-9D-1: Roadways Generally**

23-9D-1010 Standards for Design And

Construction 23-9D-1020 Street Names

23-9D-1030 Traffic Control Devices

23-9D-1040 Modifications to Street Design

## **Article 23-9E: Driveway, Sidewalk, Urban Trail, And Right-Of-Way Construction**

---

### **Division 23-9E-1: Construction License**

23-9E-1010 License

Required 23-9E-1020

Application:

Bond

23-9E-1030 License Approval

Standard 23-9E-1040 License

Fee

23-9E-1050 License Term; Suspension and Revocation

---

### **Division 23-9E-2: Right-Of-Way Permit**

23-9E-2010 Permit Required For A

Project 23-9E-2020 Application

23-9E-2030 Permit For Driveway

Approach 23-9E-2040 Driveway

Approach Design

23-9E-2050 Automatic Revocation

23-9E-2060 Automatic Suspension

23-9E-2070 Enforcement

---

### **Division 23-9E-3: General Design and Maintenance Requirements**

23-9E-3010 Compliance Required

23-9E-3020 Design and Construction

Standards 23-9E-3030 Establishing Line

and Grade





---

## **~~Division 23-9E-3: General Design and Maintenance Requirements~~**

- ~~23-9E-3010 Compliance Required~~
  - ~~23-9E-3020 Design and Construction Standards 23-9E-3030 Establishing Line and Grade~~
  - ~~23-9E-3040 Alternate Materials, Designs, and Construction Standards 23-9E-3050 Removing Existing Curb Openings or Driveway Approaches 23-9E-3060 Relocation or Replacement of Certain Facilities or Trees~~
  - ~~23-9E-3070 Inspection Procedures~~
  - ~~23-9E-3080 Roadway Maintenance~~
  - ~~23-9E-3090 Driveway Maintenance~~
  - ~~23-9E-3100 Defective Conditions or Special Uses~~
- 

## **~~Division 23-9E-4: Conditions for Approval of Development Applications~~**

- ~~23-9E-4010 Existing Driveway~~
  - ~~23-9E-4020 Driveway Closing and Curb Construction 23-9E-4030 Alleyways~~
- 

## **~~Division 23-9E-5: Sidewalks & Urban Trails~~**

- ~~23-9E-5010 Sidewalk and/or Urban Trail Installation in Subdivisions 23-9E-5020 Sidewalk and/or Urban Trail Installation with Site Plans~~
- ~~23-9E-5030 Sidewalk Installation and/or Urban Trail with Building or Relocation Permit~~
- ~~23-9E-5040 Payment Instead of Sidewalk and/or Urban Trail Installation or Reconstruction 23-9E-5050 Sidewalk Requirements~~

## **~~Article 23-9F: Access to Major Roadways~~**

---

### **~~Division 23-9F-1: Access to Major Roadways~~**

- ~~23-9F-1010 Minimum Frontage for Access for Existing Streets~~
- ~~23-9F-1020 Minimum Frontage for Access for Planned or Newly Constructed Streets 23-9F-1030 Property Subject to Condemnation~~
- ~~23-9F-1040 Joint Use Driveways~~

23-9E-3040 Alternate Materials, Designs, and Construction

Standards 23-9E-3050 Removing Existing Curb Openings or Driveway Approaches 23-9E-3060 Relocation or Replacement of Certain Facilities or Trees  
23-9E-3070 Inspection  
Procedures 23-9E-3080  
Roadway  
Maintenance  
23-9E-3090 Driveway Approach Maintenance  
23-9E-3100 Defective Conditions or Special Uses

---

#### **Division 23-9E-4: Conditions for Approval of Development Applications**

23-9E-4010 Existing Driveway  
23-9E-4020 Driveway Closing and Curb  
Construction 23-9E-4030 Alleys

---

#### **Division 23-9E-5: Sidewalks, Street Trees, and Urban Trails**

23-9E-5010 Sidewalk and/or Urban Trail Installation in Subdivisions  
23-9E-5020 Sidewalk, Bicycle Facility and/or Urban Trail Installation with Site Plans  
23-9E-5030 Sidewalk Installation and/or Urban Trail with Building or Relocation Permit  
23-9E-5040 Payment Instead of Sidewalk and/or Urban Trail Installation or Reconstruction 23-9E-5050 Street Tree Requirements

### **Article 23-9F: Access to Major Roadways**

---

#### **Division 23-9F-1: Access to Major Roadways**

23-9F-1010 Minimum Frontage for Access for Existing Streets  
23-9F-1020 Minimum Frontage for Access for Planned or Newly Constructed Streets 23-9F-1030 Property Subject to Condemnation  
23-9F-1040 Joint-Use Driveways

### **Article 23-9G: Transportation Demand Management**

---

#### **Division 23-9G-1: Transportation Demand Management**

23-9G-1010 Purpose  
23-9G-1020 Applicability  
23-9G-1030  
Requirement  
S  
23-9G-1040 Monitoring, Reporting, and  
Compliance 23-9G-1050 Program Standards

## ~~Article 23-9G: Transportation Demand Management~~

---

### ~~Division 23-9G-1: Transportation Demand Management~~

~~23-9G-1010 Purpose~~

~~23-9G-1020 Applicability~~

~~23-9G-1030~~

~~————— Requirement~~

~~s~~

~~23-9G-1040 Monitoring, Reporting, and~~

~~Compliance 23-9G-1050 Fees~~

~~23-9G-1060 Program Standards~~

## ~~Article 23-9H: Connectivity~~

---

### ~~Division 23-9H-1: Connectivity~~

~~23-9H-1010 Applicability~~

~~23-9H-1020 Street Alignment and~~

~~Connectivity 23-9H-1030 Dead End~~

~~Streets~~

~~23-9H-1040 Block Length~~

~~23-9H-1050 Subdivision and Site Plan Access~~

## ~~Article 23-9I: Road Utility Districts~~

---

### ~~Division 23-9I-1: Approval of Petition~~

~~23-9I-1010 Applicability~~

~~23-9I-1020 Pre-Application~~

~~Process 23-9I-1030 Contents of~~

~~Petition~~

~~23-9I-1040 Conditions for~~

~~Approval 23-9I-1050 Review~~

~~Process~~

~~23-9I-1060 City Council Review and Action~~

~~23-9I-1070 Annexation Petitions and Petitions for Construction of Facilities Outside the Road-Utility District~~

### ~~Division 23-9I-2: Construction of Facilities~~

~~23-91-2010 Submittal of Construction Plans~~  
~~23-91-2020 Approval of Bond-Financed~~  
~~Activities 23-91-2030 Construction~~  
~~Inspection~~  
~~23-91-2040 Notice of Conveyance~~  
~~23-91-2050 Representation by City Manager~~

## **Article 23-9H: Street Layout**

### **Division 23-9H-1: Connectivity**

23-9H-1010 Applicability  
23-9H-1020 Street Layout and  
Alignment 23-9H-1030 Access  
Streets  
23-9H-1040 Dead End  
Streets 23-9H-1050 Block  
Length  
23-9H-1060 Through Lots and Alleys

## **Article 23-9I: Road Utility Districts**

### **Division 23-9I-1: Approval of Petition**

23-9I-1010 Applicability  
23-9I-1020 Pre-Application  
Process 23-9I-1030 Contents of  
Petition  
23-9I-1040 Conditions for  
Approval 23-9I-1050 Review  
Process  
23-9I-1060 City Council Review and Action  
23-9I-1070 Annexation Petitions & Petitions for Construction of Facilities Outside the Road Utility

District

### **Division 23-9I-2: Construction of Facilities**

23-9I-2010 Submittal of Construction Plans  
23-9I-2020 Approval of Bond-Financed  
Activities 23-9I-2030 Construction  
Inspection  
23-9I-2040 Notice of Conveyance  
23-9I-2050 Representation by City Manager

# Article 23-9A: General Provisions

---

---

## Contents

### **Division 23-9A-1: General Provisions**

~~23-9A-1010 Intent~~

~~23-9A-1020 Subdivisions In Travis County Portion Of Extraterritorial  
Jurisdiction 23-9A-1030 Variances~~

**Division 23-9A-1: General Provisions**

23-9A-1010 Intent

23-9A-1020 Subdivisions In Travis County Portion Of Extraterritorial

Jurisdiction 23-9A-1030 Variances



*This page intentionally left blank*

# Division 23-9A-1: General Provisions

---

## Contents

<del>23-9A-1010 Intent</del> .....	<del>1</del>
<del>23-9A-1020 Subdivisions in Travis County Portion of Extraterritorial Jurisdiction</del> .....	<del>1</del>
<del>23-9A-1030 Variances</del> .....	<del>1</del>

---

<u>23-9A-1010 Intent</u> .....	<u>1</u>
<u>23-9A-1020 Subdivisions In Travis County Portion Of Extraterritorial Jurisdiction</u> .....	<u>1</u>
<u>23-9A-1030 Variances</u> .....	<u>2</u>

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## 23-9 A-1010 Intent

- (A) The Vision of the Transportation Chapter is to provide guidance for transportation that ~~help~~helps the City of Austin:
- (1) Grow as a compact, connected city~~;~~
  - (2) Use green infrastructure to protect environmentally sensitive areas and integrate nature into the city~~;~~
  - (3) Provide paths to prosperity for all~~;~~
  - (4) Develop as an affordable and healthy community~~;~~
  - (5) Sustainably manage water resources, and other environmental ~~resources,~~ and
  - (6) Think creatively and work together.
- (B) The Goals of the Transportation Chapter are to:
- (1) Promote Complete Streets to serve all roadway users, pedestrians, bicyclists, transit riders, and motorists regardless of age or ability.
  - (2) Provide safe and efficient movement of people, goods, and services.
  - (3) Integrate roadways into the existing and future context of the adjacent land uses and the built environment.

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## 23-9A-1020 Subdivisions ~~in~~In Travis County Portion ~~of~~Of Extraterritorial Jurisdiction

Title 30 (Austin/Travis County Subdivision Regulations) prescribes transportation requirements for a subdivision in the portion of the city's extraterritorial jurisdiction that is within Travis County. Title 30 (Austin/Travis County Subdivision Regulations) supersedes this chapter to the extent of conflict.



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**23-9      A-1030    Variances**

- (A) Prior to submitting a variance request through the process described below, the applicant must request the City ~~traffic engineer~~Traffic Engineer to provide a documented professional opinion statement regarding the variance request. This documentation must accompany the request for variance.

(B) An applicant may request a variance from Article 23-4B-4 (Criteria for Variances and Special Exceptions) or other sections, as applicable.

~~(B)(C)~~ The variance ~~request and~~ application shall comply with Division 23-2F-1 ~~(Variances and Special Exceptions-)~~.

~~(C)(D)~~ Approval criteria-: The Board of Adjustment or Land Use Commission may grant a variance from a requirement if it determines that:

- (1) An unusual condition exists that is unique to the property that would deprive the owner of rights commonly enjoyed by other property owners similarly situated in the same zoning district; ~~and~~
- (2) The unusual condition shall not arise from a previous Code violation or rely only on loss of profit or financial need; ~~and~~
- (3) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property; and
- (4) Development under the variance will not create a safety hazard or any other condition that is inconsistent with the objectives of the ~~Code-;~~ and

|

(5) The intent of the Code is upheld.



# Article 23-9B: Right-Of-Way ~~and~~ And Transportation Improvements

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## Contents

---

### Division 23-9B-1: General Provisions

~~23-9B-1010 — Applicability~~

~~23-9B-1020 — Establishing Building~~

~~Lines 23-9B-1030 — Measuring~~

~~Setbacks~~

~~23-9B-1040 — Proportionality Of Required~~

~~Infrastructure 23-9B-1050 — Dedication And~~

~~Reservation Of Right-Of-Way~~

~~23-9B-1060 — Constructing A Structure Or Improvement In Reserved Right-Of-Way~~

~~Prohibited 23-9B-1070 — Agreement For Temporary Use of Reserved Right-Of-Way~~

~~23-9B-1080 — Alignment~~

~~23-9B-1090 — Appeal Of Director's Decision For Dedication Or Reservation Of Right-Of-Way~~

**Division 23-9B-1: General Provisions**

23-9B-1010 Applicability

23-9B-1020 Establishing Building

Lines 23-9B-1030 Measuring

Setbacks

23-9B-1040 Proportionality of Required

Infrastructure 23-9B-1050 Dedication and

Reservation of Right-of-Way

23-9B-1060 Constructing a Structure or Improvement in Reserved Right-of-Way

Prohibited 23-9B-1070 Agreement for Temporary Use of Reserved Right-of-Way

23-9B-1080 Alignment

23-9B-1090 Appeal of Director's Decision for Dedication or Reservation of Right-of-Way

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# Division 23-9B-1: General Provisions

---

## Contents

<del>23-9B-1010</del> <del>Applicability</del> .....	<del>1</del>
<del>23-9B-1020</del> <del>Establishing Building Lines</del> .....	<del>1</del>
<del>23-9B-1030</del> <del>Measuring Setbacks</del> .....	<del>1</del>
<del>23-9B-1040</del> <del>Proportionality Of Required Infrastructure</del> .....	<del>2</del>
<del>23-9B-1050</del> <del>Dedication And Reservation Of Right-Of-Way</del> .....	<del>2</del>
<del>23-9B-1060</del> <del>Constructing A Structure Or Improvement In Reserved Right Of Way Prohibited</del> .....	<del>2</del>
<del>23-9B-1070</del> <del>Agreement For Temporary Use of Reserved Right Of Way</del> .....	<del>2</del>
<del>23-9B-1080</del> <del>Alignment</del> .....	<del>3</del>
<del>23-9B-1090</del> <del>Appeal Of Director's Decision For Dedication Or Reservation Of Right-Of-Way</del> .....	<del>3</del>

---

<del>23-9B-1010</del> <del>Applicability</del> .....	<del>1</del>
<del>23-9B-1020</del> <del>Establishing Building Lines</del> .....	<del>1</del>
<del>23-9B-1030</del> <del>Measuring Setbacks</del> .....	<del>1</del>
<del>23-9B-1040</del> <del>Proportionality of Required Infrastructure</del> .....	<del>2</del>
<del>23-9B-1050</del> <del>Dedication and Reservation of Right-of-Way</del> .....	<del>3</del>
<del>23-9B-1060</del> <del>Constructing a Structure or Improvement in Reserved Right-of-Way Prohibited</del> .....	<del>3</del>
<del>23-9B-1070</del> <del>Agreement for Temporary Use of Reserved Right-of-Way</del> .....	<del>3</del>
<del>23-9B-1080</del> <del>Alignment</del> .....	<del>4</del>
<del>23-9B-1090</del> <del>Appeal of Director's Decision for Dedication or Reservation of Right-of-Way</del> .....	<del>4</del>

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## 23-9 B-1010 Applicability

~~(A)~~ Except as provided in Subsection (B), this article applies to land for which an owner files an application for:

- (1) Zoning or rezoning;
- (2) Preliminary plan or final plat approval;
- (3) Site plan approval;
- (4) A ~~minor~~ revision of an approved site plan.

~~(B)~~(A) This article does not apply to an application for:

- (1) A development permit for a lot in the extraterritorial jurisdiction of the City; or
- (2) A site plan application for a developed property or a site plan revision application for a property with an approved site plan that is filed to relocate facilities from an area of the property to be condemned for right-of-way.

### **23-9B-1020 Establishing Building Lines**

The provisions of this article relating to the reservation and dedication of right-of-way, do not preclude the City from establishing a building line on a right-of-way under state law.

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### **23-9B-1030 Measuring Setbacks**

A setback line prescribed under this title is measured from the boundary of the right-of-way adjacent to the property.



~~23-9B~~~~23-9~~**B-1040 Proportionality of Required Infrastructure**

~~(A) Section A will discuss~~ If the requirement for City requires an applicant to dedicate right-of-way, construct or fund system transportation improvements, or dedicate right-of-way beyond the boundaries

of a development, the applicant's costs for offsite may not exceed the amount required for infrastructure improvements that is roughly proportionate, per state law, to the project's impact on the transportation network.

~~Section B will discuss~~ to the role of proposed development as determined by a professional engineer licensed under Chapter 1001, Occupations Code, and retained by the director to City.

~~(B) The applicable Director shall~~ issue a written determination of the an applicant's roughly proportionate share of infrastructure costs attributable to a proposed development prior to approval of an application; for which dedication or reservation of right-of-way or the construction or funding of system transportation improvements is required. A determination issued under this section:

~~(1) Section C will discuss~~ Need not be made to a mathematical certainty, but is intended to be used as a tool to fairly assess the role roughly proportionate impacts of a development based on the director to issue a written list level of all required transportation demand created by a proposed development relative to the capacity of existing public infrastructure;

~~(2) Shall be completed in accordance with~~ generally recognized and approved measurements, assumptions, procedures, formulas, and development principles; and Lake Austin below an elevation of 504.9 feet above mean sea level;

~~(3) Shall state the roughly proportionate share to the property owner for the~~ dedication and construction of transportation-related improvements prior to necessary to ensure an effective and safe transportation system that is sufficient to accommodate the traffic generated by a proposed development.

~~(C) If a proposed development is subject to a proportionality determination under this~~ section, the applicable Director shall identify in writing all infrastructure improvements required in conjunction with approval of an the development application. The infrastructure improvements may include right-of-way dedication or reservation, the construction or funding of system improvements, or any combination thereof, in an amount not to exceed the total roughly proportionate share as established by the proportionality determination.

~~(D) Section D will discuss the role of the director to adopt administrative guidelines and requirements for applicants to~~ To aid in making a proportionality determinations determination and identifying required infrastructure improvements, the applicable Director may:

~~Anticipated completion of this section is expected to be April 2017.~~

(1) Adopt administrative guidelines establishing requirements for:

(a) Conducting a Transportation Impact Analysis, a Neighborhood Traffic Analysis, and an Active Mode Analysis under Article 23-9C (Transportation Impact Analysis and Mitigation); and

(b) Funding or constructing system transportation improvements required under Section 23-9C-1010 (Mitigation of Transportation Impact); and

(2) Require an applicant to provide:

(a) A transportation impact analysis or study, regardless of whether one is required under Section 23-9C-2020 (Transportation Impact Analysis Required);

(b) A neighborhood transportation analysis, regardless of whether one is required under Section 23-9C-2040 (Neighborhood Transportation Analysis Required);

(c) An active mode analysis, regardless of whether one is required under Section 23-9C-2060 (Active Mode Analysis Required); or

(d) Other relevant information related to the traffic and safety aspects of a proposed development.

## **23-9 B-1050 Dedication ~~And~~ Reservation ~~Of~~ Right-~~Of~~-Way**

~~Except as provided in Section 23-9B-1070 (Agreement for Temporary Use of Reserved Right-Of-Way), a person~~The City may not erect, as a condition to approval of a structuresite plan or make an improvement in a reservedsubdivision, require the dedication or reservation of right-of-way.

~~Section A will discuss the City's ability to require reservation or dedication of right-of-way and public access easements that is reasonably likely to be acquired for public use as a condition of approval of an application.~~

~~(A) Section B will discuss the extent and location of~~consistent with this article.  
To be subject to dedication or reservation ~~be in conformance with the~~, land must be located along a roadway designated in:

(1) The Transportation Plan;

~~Section C will discuss required dedications and easements be subject to rough proportionality per state law.~~

(2) Section D will discuss the director's ability to An approved collector plan;  
or

(3) An established capital improvement project located in the planning jurisdiction of the City.

(B) Any right-of-way dedications or reservations, other than dedications or reservations internal to the development shall not exceed the roughly proportionate share of the proposed development.

If the applicable Director determines that dedication of right-of-way is needed to accommodate the transportation system improvement, the applicant may be required to dedicate the amount of land determined to be roughly proportionate to the development under Section 23-9B-1040 (Proportionality of Required Infrastructure) or a lesser amount, as determined by the applicable Director based on the adequacy of the transportation system.

(C) The applicable Director may defer the dedication and reservation from of right-of-way required at one stage of the development process to a later onestage. A person must comply with all dedication requirements before the release of the subsequent application.

~~Anticipated completion of this section is expected to be April 2017.~~

## **23-9B-1060 Constructing ~~A~~ Structure ~~Or~~ Improvement ~~In~~in Reserved Right-~~Of~~-Way Prohibited**

Except as provided in Section 23-9B-1070 (Agreement for Temporary Use of Reserved Right- Of-Way), a person may not erect a structure or make an improvement in a reserved right-of- way.

23-9 B-1070 Agreement ~~For~~ Temporary Use of Reserved Right-  
~~Of~~of-Way

- (A) The City may, by written agreement issued by the ~~Transportation~~applicable Director, or designee, authorize use of reserved right-of-way for a temporary structure or improvement, including a parking area, landscaping, transit facility and sign.

(B) The agreement must contain:

- (1) An expiration date or trigger for the use of the right-of-way;
- (2) The method the City will use to notify the property owner that a temporary improvement must be removed;

- (3) A requirement that the property owner replace the improvements on the remainder of the property when the temporary improvements are removed, if the improvements are required by the City Code;
  - (4) The applicant's address for notification; and
  - (5) A penalty for failure to remove a temporary improvement within the specified time for the removal.
- (C) The applicant must post adequate escrow so that the City can remove temporary improvements if the developer is unable to complete the work.

## 23-9 B-1080 Alignment

- (A) The ~~Transportation~~ applicable Director shall determine and approve the alignment of right-of-way during:
- (1) The review and approval process for a development application; or
  - (2) If a property owner files an appeal to the dedication and reservation requirements under Section 23-9B-1090 (Appeal of Director's Decision for Dedication or Reservation of Right-of-Way).
- (B) The alignment of right-of-way is based on:
- (1) The alignment established in the Transportation Plan, collector plan, or Capital Improvement Project; and
  - (2) Engineering criteria, including grade, sight distance, turning radii, curvature, existing green infrastructure, and the existence of a flood plain or wildfire hazard.
- (C) In an area designated for a state roadway project, alignment may be established by the Texas Department of Transportation or their authorized agent.
- (D) In an area designated for a county roadway project, alignment may be established by the appropriate county or their authorized agent.
- ~~(D)~~ (E) For an existing or platted street, the alignment is based on:
- (1) The existing centerline established before an additional dedication from the opposite side of the right-of-way occurs; or
  - (2) If the centerline of the street is proposed to be shifted from its present alignment, the proposed right-of-way centerline.
- ~~(E)~~ (F) If the alignment for a roadway cannot be determined under Subsection (D), the right-of-way shall be established equally on each side of the centerline of the existing roadway.

## 23-9 B-1090 Appeal ~~Of~~ Director's Decision ~~For~~ for Dedication ~~Or~~ or Reservation ~~Of~~ Right-~~Of~~ Way

- (A) An applicant may appeal the requirement to dedicate or reserve right-of-way to the Land Use Commission.

(B) An owner of property who does not have a development application pending with the City may appeal to the Land Use Commission the requirements of this article if 15

percent or more of the property is or would be subject to the dedication of right-of-way requirements under Section 23-9B-1050 (Dedication or Reservation of Right-of-Way).



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# **Article 23-9C: Transportation Impact Analysis- and Mitigation**

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## Contents

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### **Division 23-9C-1: Offsite Transportation Improvements**

~~23-9C-1010 Mitigation Of Transportation  
Impacts 23-9C-1020 Establishing Building Lines~~

---

### **Division 23-9C-2: Traffic Impact Analysis and Neighborhood Impact Analysis**

~~23-9C-2010 Traffic Impact Analysis-  
Described 23-9C-2020 Traffic Impact-  
Analysis Required  
23-9C-2030 Neighborhood Traffic Impact Analysis-  
Described 23-9C-2040 Neighborhood Traffic Impact-  
Analysis Required  
23-9C-2050 Qualitative Active Mode Analysis For Development-  
Projects 23-9C-2060 Standards For Traffic Impact Analysis  
23-9C-2070 Waiver Authorized~~

---

### **Division 23-9C-3: Approval Process**

~~23-9C-3010 Action On Application  
23-9C-3020 Application Modification Based On Traffic-  
Analysis 23-9C-3030 Appeal Of Director Action~~



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# ~~Division 23-9C-1: Offsite Transportation Improvements~~

## Division 23-9C-1: System Transportation Improvements

23-9C-1010 Mitigation of Transportation Impacts..... 1  
23-9C-1020 Fee In-Lieu of System Mitigation ..... 2  
23-9C-1030 Transportation Mitigation for Affordable Housing Projects ..... 3

## Division 23-9C-2: Transportation Impact Analysis

23-9C-2010 Transportation Impact Analysis Described..... 1  
23-9C-2020 Transportation Impact Analysis Required ..... 1  
23-9C-2030 Neighborhood Transportation Impact Analysis Described ..... 2  
23-9C-2040 Neighborhood Transportation Impact Analysis Required ..... 2  
23-9C-2050 Active Mode Analysis Described..... 2  
23-9C-2060 Active Mode Analysis Required ..... 3  
23-9C-2070 Standards for All Analyses ..... 3  
23-9C-2080 Waiver Authorized..... 4

## Division 23-9C-3: Approval Process

23-9C-3010 Action on Application ..... 1  
23-9C-3020 Application Modification Based on Transportation Analysis..... 1  
23-9C-3030 Appeal of Director Action..... 2

**Contents**

~~23-9C-1010 Mitigation Of Transportation Impacts ..... 1~~  
~~23-9C-1020 Establishing Building Lines ..... 1~~

---

~~**23-9C-1010 Mitigation Of Transportation Impacts**~~

~~Section A will discuss the role of the director to require an applicant to construct or fund offsite improvements to mitigate traffic impacts of his or her development.~~

~~Section B will discuss the role of the director to require an applicant to construct or fund offsite improvements to mitigate traffic impacts of his or her development if a development does not require a traffic impact analysis, under certain conditions.~~

~~Section C will discuss the role of the director to require an applicant to construct or fund offsite improvements to mitigate traffic impacts identified in a traffic impact analysis.~~

~~Section D will discuss the requirement that offsite improvements not exceed the roughly proportionate share of infrastructure costs per state law.~~

~~Section E will discuss transportation demand management as a mitigation strategy.~~

~~Anticipated completion of this section is expected to be April 2017.~~

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~~**23-9C-1020 Establishing Building Lines**~~

~~This section will discuss the establishment of building lines consistent with right of way needs established by the Transportation Plan.~~

~~Anticipated completion of this section is expected to be April 2017.~~

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# Division 23-9C-2: ~~Traffic Impact Analysis and Neighborhood Impact Analysis~~ 1: System Transportation Improvements

## Contents

23-9C-1010 Mitigation of Transportation Impacts.....	1
23-9C-1020 Fee In-Lieu of System Mitigation .....	2
23-9C-1030 Transportation Mitigation for Affordable Housing Projects.....	3

## 23-9 C-1010 Mitigation of Transportation Impacts

- (A) In addition to requiring dedication of right-of-way under Section 23-9B-1050 (Reservation and Dedication of Right-of-Way), the applicable Director may require an applicant to construct or fund all or a portion of system improvements required to mitigate the transportation impact of a proposed development
- (B) If a proposed development does not require transportation analysis under Section 23-9C-2020 (Transportation Impact Analysis Required) or Section 23-9C-2040 (Neighborhood Transportation Analysis Required), the applicable Director may condition approval of the application on construction or funding system improvements as described in this section.
  - (1) System improvements will be limited to:
    - (a) Sidewalks and curb ramps;
    - (b) Traffic signs, markings, and upgrades to signal infrastructure;
    - (c) Traffic calming devices;
    - (d) Bicycle lanes or upgrades to bicycle facilities;
    - (e) Rectangular rapid flashing beacons; (f) Pedestrian refuge islands;
    - (g) Pedestrian hybrid beacons;
    - (h) Urban trail improvements;
    - (i) Right-of-way dedications;
    - (j) Transit facility improvements;
    - (k) Transportation demand management strategies, as provided under the Transportation Criteria Manual;
  - (2) Required system improvements may not be farther from the proposed development than:
    - (a) One-quarter mile; or
    - (b) Three-fourths of a mile, for an improvement required to provide access between the proposed development and a school, bus stop, public space, or major roadway as designated under the transportation plan.

~~23-9C-2010 Traffic Impact Analysis Described..... 1~~  
~~23-9C-2020 Traffic Impact Analysis Required..... 1~~  
~~23-9C-2030 Neighborhood Traffic Impact Analysis Described..... 1~~  
~~23-9C-2040 Neighborhood Traffic Impact Analysis Required..... 1~~  
~~23-9C-2050 Qualitative Active Mode Analysis For Development Projects ..... 2~~  
~~23-9C-2060 Standards For Traffic Impact Analysis..... 2~~  
~~23-9C-2070 Waiver Authorized..... 2~~

**~~23-9C-2010 Traffic Impact Analysis Described~~**

~~This section will define the role and contents of a traffic impact analysis.  
Anticipated completion of this section is expected to be March 2017.~~

**~~23-9C-2020~~**

- ~~(C) If a proposed development requires a transportation impact analysis under Section 23-9C-2020 (Transportation Impact Analysis Required) or a neighborhood transportation analysis under Section 23-9C-2040 (Neighborhood Transportation Analysis Required), the applicable Director may require an applicant to construct or fund system improvements identified by the analysis.~~
  - ~~(1) If a system improvement is identified in the Transportation Impact Analysis or Neighborhood Transportation Analysis on the bordering street of the proposed development site, or within one-quarter mile of the proposed development site, or within three-fourths of a mile to provide access between the proposed development and a school, transit stop, public space, or major roadway as determined in the transportation plan, the applicable Director shall require an applicant to construct the system improvement.~~
  - ~~(2) If a system improvement is identified in the Transportation Impact Analysis or Neighborhood Transportation Impact Analysis is outside the area defined under Subsection 23-9C-1010 (C)(1), the applicable Director may require an applicant to fund the system improvement.~~
- ~~(D) The total cost of system improvements required under this section may not exceed the applicant's roughly proportionate share of infrastructure costs as established by the proportionality determination required under Section 23-9B-1040 (Proportionality of Required Infrastructure), less the cost of any right-of-way dedication or reservation required under Section 23-9B-1050 (Dedication and Reservation of Right-of-Way).~~
- ~~(E) The applicable Director may require an applicant to implement Transportation Demand Management for a development project within or adjacent to a saturated transportation roadway network, as a mitigation strategy as per Section 23-9H-1040 (Transportation Demand Management Monitoring, Reporting, and Compliance).~~

**23-9 C-1020 Fee In-Lieu of System Mitigation**

- ~~(A) The applicable Director may allow an applicant to pay a fee in-lieu of constructing one or more system transportation improvements required under Section 23-9C-1010 (Mitigation of Transportation Impacts). In determining whether to allow~~

payment of a fee in-lieu or to require construction of system improvements, the applicable Director shall consider:

- (1) The applicant's roughly proportionate share of infrastructure costs, as determined under Section 23-9B-1040 (Proportionality of Required Infrastructure), relative to the cost of constructing one or more identified system improvements;
- (2) Future transportation improvements anticipated for the area through capital improvements projects or as a condition to the approval of other proposed developments; and
- (3) The feasibility of constructing one or more identified system improvements by supplementing the amount collected through payment of a fee in lieu with city funds

(B) A fee in-lieu collected under Subsection (A) of this section shall be placed in a dedicated fund and used for the purpose of constructing one or more system improvements identified in a transportation impact analysis under Section 23-9C-2020 (Transportation Impact Analysis Required) or in a neighborhood transportation analysis under Section 23-9C-2040 (Neighborhood Transportation Analysis Required) or in City's Transportation Plan(s).

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## **23-9 C-1030 Transportation Mitigation for Affordable Housing Projects**

(A) This section reduces traffic mitigation required for certain projects participating in the City's Affordable Housing Incentive Program established under Code Division 23-3E-1 (Affordable Housing Incentive Program). Affordable Housing Incentive Program was previously known as S.M.A.R.T. Housing Program.

If a development under Affordable Housing Incentive Program does not require an analysis under Section 23-9C-2020 (Traffic Impact Analysis Required

) or Section A will discuss the threshold for requiring a traffic impact analysis.

Section B will discuss the role of the director to require the applicant to submit a supplemental traffic impact analysis.

Section C will discuss the timeline to submit a required supplemental traffic impact analysis. Anticipated completion of this section is expected to be March 2017.

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(B) ~~23-9C-2030~~ 2040 (Neighborhood Traffic Impact Analysis

~~Described~~ Required) or Section 23-9C-2060 (Active Mode Analysis Required), the maximum cost of system improvements that may be required under 23-9C-1010 (Mitigation of Transportation Impacts) is reduced according to the following requirements:

(1) ~~This section will define~~ If at least ten percent, but less than twenty percent, of the ~~role~~ dwelling units are reasonably-priced, the maximum cost is reduced by the percentage of affordable units;

(2) If at least twenty percent, but less than fifty percent, of the dwelling units are reasonably-priced, the maximum cost is reduced by fifty percent; ~~and contents of~~

(3) If at least fifty percent of the dwelling units are reasonably-priced, no mitigation may be required.

(C) If a ~~neighborhood traffic development~~ under Affordable Housing Incentive Program requires an analysis under Code Division 23-9C-2 (Transportation Impact Analysis), the maximum cost of system improvements that may be required under Section 23-9C-1010 (Mitigation of Transportation Impacts) may be reduced according to Section 23-3E-1060 (Additional Developer Incentives).

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# Division 23-9C-2: Transportation Impact Analysis

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## Contents

~~Anticipated completion of this section is 23-9C-2010.....~~ Transportation Impact Analysis Described  
\_\_\_\_\_ 1

23-9C-2020 Transportation Impact Analysis Required..... 1

23-9C-2030 Neighborhood Transportation Impact Analysis Described ..... 2

23-9C-2040 Neighborhood Transportation Impact Analysis Required..... 2

23-9C-2050 Active Mode Analysis Described..... 2

23-9C-2060 Active Mode Analysis Required ..... 3

23-9C-2070 Standards for All Analyses..... 3

23-9C-2080 Waiver Authorized..... 4

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## 23-9 C-2010 Transportation Impact Analysis Described

(A) A transportation impact analysis is a study that:

- (1) Provides information on the projected multi-modal traffic generated by a proposed development;
- (2) Assesses the effect of the proposed development on the transportation network near the development;
- (3) Identifies the potential operational, geometric, or safety impacts or consequences and recommends action(s) to mitigate the concerns;
- (4) Consists of, but is not limited to capacity and operational analysis, safety analysis, geometric analysis, active mode analysis and transit connectivity analysis, conceptual design to support recommended action(s); and

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## 23-9 C-2020 Transportation Impact Analysis Required

(A) Except as otherwise provided in Section 23-9C-2070 (Waiver Authorized), a person submitting a site plan application, a subdivision application, or a zoning or rezoning application must prepare and submit a transportation impact analysis (as per the Transportation Criteria Manual following City of Austin's Guidelines for Transportation Impact Analysis) if the ~~expected to be March 2017~~ number of trips generated by a project exceeds 1,000 vehicle trips per day or 100 peak hour trips.

(B) If the applicable Director determines that the transportation impact analysis does not comply with the requirements of this article or the Transportation Criteria Manual, the applicable Director may require the applicant to supplement the transportation impact analysis to address a deficiency.

(C) Is considered to be valid to represent site development or modifications up to five years from the date of the original submittal, or as determined by the applicable Director.

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## **23-9 C-2030 Neighborhood Transportation Impact Analysis Described**

- (A) A neighborhood transportation analysis is a simplified transportation impact analysis that assesses the effect of a proposed development on streets accessing residential-use blocks. The scope of a neighborhood transportation analysis is limited to an evaluation of the existing and projected operating multi-modal level of service of identified streets and an identification of mitigation measures to minimize any adverse effect(s).
- (B) A neighborhood transportation analysis shall follow the Transportation Criteria Manual in the evaluation of the existing and projected operating level of service and in identification of mitigation measures to minimize any adverse transportation effect(s).

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## **23-9 C-2040 Neighborhood ~~Traffic~~ Transportation Impact Analysis Required**

~~Section A will discuss the threshold for requiring a traffic impact analysis.~~

- (A) ~~Section B will discuss~~Except as otherwise provided in Section 23-9C-2070 (Waiver Authorized), a person submitting a site plan application, a subdivision application, or a zoning or rezoning application must prepare a neighborhood transportation analysis if
- (1) The project has access to residential streets as described in Subsection 23-9C-2040(C); and
  - (2) The projected number of vehicle trips generated by the project exceeds the ~~requirement~~ vehicle trips generated by existing uses by at least 300 vehicle trips per day.
- (B) If a current traffic count for an affected street is not available, the applicant ~~to~~ will conduct a traffic count for streets affected by a in accordance with procedures established by the applicable Director.
- (C) In this section, a residential street is defined as street:
- (1) That is not an arterial street; and
  - (2) Along which at least 50 percent of the frontage located:
    - (a) 1,500 feet or less from the ~~proposed development~~ project's property line has an urban family residential district or more restrictive zoning designation; or

~~Section C will define a residential, local, and collector street.~~

~~Section D will discuss how planned unit development zoning is considered.~~

- ~~(b) Section E will discuss how street segments are~~ Between the property line and the nearest arterial street that is less than 1,500 feet from the property line has an urban family residential district or more restrictive zoning designation.
- ~~(D) Under this article, residential property in a planned unit development (PUD)~~ zoning district is treated as property in an urban family residential district if the PUD land use plan establishes the density for the residential area at 12.44 units per acre or less
- ~~(E) Under this article, each segment of a street that meets the criteria in Subsection (C)(2)(a) or (b) is considered.~~ Anticipated completion of this section separately.

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### **23-9 C-2050 Active Mode Analysis Described**

An active mode analysis is completed for new residential developments, community activity centers (e.g. school sites, recreation centers), and/or any new developments within a half-mile of a school or transit stop. An active mode analysis includes:

- (1) An inventory and investigation of the existing active modes infrastructure (sidewalk, urban trail, bicycle facility) in the area surrounding the proposed development.



(2) A figure illustrating the desire-line for pedestrian connections and bicycle connections between the proposed development and major pedestrian traffic generators within the 0.5 mile radius from the centroid of the project (for small-scale projects) or from the edge of the project boundaries (for large-scale projects).

(3) In this article, under Subsection 2, a small-scale project is a project that is expected to ~~be March 2017~~ generate less than 2,000 vehicle trips per day, and less than 200 peak hour trips. Conversely, a large-scale project is a project that is expected to generate more than 2,000 vehicle trips per day, or more than 200 peak hour trips.

(4) ~~23-9C-2050 Qualitative~~ An active mode analysis shall identify and document barriers to active mode connections to/from the proposed development and recommend necessary improvements.

### 23-9 C-2060 Active Mode Analysis For Development Projects Required

~~Section A will discuss the requirement for traffic impact analysis to include pedestrian and bicycle modes for land uses generating these types of trips.~~

~~Section B will discuss the requirement for transportation demand management analysis on applicable development projects.~~

~~Anticipated completion of this section is expected to be March 2017.~~

~~23-9C-2060~~ Except as otherwise provided in Section 23-9C-2080 (Waiver Authorized), a person submitting a site plan application, a subdivision application, or a zoning or rezoning application shall prepare and submit an active mode analysis (as per the Transportation Criteria Manual following City of Austin's Guidelines for Transportation Impact Analysis) with required transportation impact analysis if

(1) The expected number of trips generated by a project exceeds 1,000 vehicle trips per day, or more than 100 peak hour trips; and

(2) The proposed project is a residential development, or a community activity center e.g. school site, recreation center; or a development within a half-mile of a school and a transit stop.

### 23-9 C-2070 Standards For Traffic Impact Analysis for All Analyses

(A) ~~Section A will discuss the role of the director to determine~~ The applicant shall propose the geographic area and scope to be included in a traffic impact analysis ~~the Transportation Impact Analysis for the applicable Director's review and approval prior to proceeding to the Transportation Impact Analysis.~~

(B) ~~Section B will discuss the requirement of a traffic impact analysis to~~ The applicant shall complete distribution of trips generated by a proposed development during the Transportation Impact Analysis Scoping process. The peak hour trips shall be distributed to subsequent intersections until 25 peak hours trips is reached at an intersection. Based on the distribution, the applicant shall propose the

geographic area to be included in the Transportation Impact Analysis Scope for the applicable Director's review and approval. Once the Transportation Impact Analysis Scope is approved by the applicable Director, the applicant shall proceed to the Transportation Impact Analysis.

(C) An analysis must be performed under the supervision of a professional engineer registered in the ~~State~~state of- Texas.

(D) Section C will discuss the role of the director to determine whether a traffic impact~~An analysis has met~~shall meet the requirements of this article, as interpreted by the applicable Director.

~~Section D will discuss the requirement of a traffic impact analysis to describe and provide supporting documentation of the assumptions, methodology, data, findings, and recommendations.~~

(E) Section E will discuss the requirement for a traffic impact~~An analysis report shall be prepared as per the Transportation Criteria Manual following City of Austin's Guidelines for Traffic Impact Analysis.~~

~~(F) An analysis to report must be signed and sealed stamped by a professional engineer registered in the State of Texas who has supervised, responsible for the supervision of the study and preparation of the transportation impact analysis.~~

~~Anticipated completion of this section is expected to be March 2017.~~

~~23-9C-2070~~

**23-9 C-2080 Waiver Authorized**

~~(A) Section A will discuss the role of the director to determine~~The applicable Director may waive the requirement to submit a traffic impact analysis.

~~Section B will discuss the role of the director to provide reasoning for waiving~~If the requirement to submit a traffic impact analysis-

~~(B) Section C will discuss~~ is waived, the applicable Director shall include the reason for the need to waiver in the applicable Director's decision or recommendation on the application.

~~(C) A person who obtains a waiver under this section shall~~mitigate adverse impactseffects of the traffic generated from a proposed development-even if a waiver is granted.

~~(D) Section D will discuss the need for impacts~~Except as provided in Subsection (E) in this article the traffic generated from a proposed development with a waiver grantedfor which the requirement to submit an analysis is waived may not create unacceptable;

~~(1) Create unsafe operating conditions or endanger public safety.; or~~

~~Anticipated completion of this section is expected to be March 2017.~~

~~(2) Endanger public safety in any shape or form.~~

~~(E) The applicable Director may waive an analysis that would otherwise be not waived under Subsection (D) of this article if the applicable Director determines that:~~

~~(1) The applicant has satisfactorily mitigated any unsafe operating conditions created by the proposed development; and~~

~~(2) The applicant has satisfactorily mitigated any public safety concern(s) created by the proposed development.~~

~~(3) The application is eligible to implement or fund previously identified mitigation elements in lieu of conducting a transportation impact analysis or neighborhood transportation analysis or active mode analysis.~~

# Division 23-9C-3: Approval Process

## Contents

<del>23-9C-3010</del> Action On Application .....	1
<del>23-9C-3020</del> Application Modification Based On Traffic Analysis.....	1
<del>23-9C-3030</del> Appeal Of Director Action .....	1

<del>23-9C-3010</del> ..... Action on Application	1
<del>23-9C-3020</del> Application Modification Based on Transportation Analysis.....	1
<del>23-9C-3030</del> Appeal of Director Action.....	2

## ~~23-9~~ ~~C-3010~~ Action ~~On~~ Application

- ~~(A) Section A will discuss the role of~~ The council or director to applicable Director shall deny an application if the results of an analysis demonstrate that a proposed development application if it is shown to may overburden the City's roadway system or create unacceptable operating conditions or endanger public safety concerns within the City's transportation network.
- ~~(B) Section B will discuss the role of~~ Except as provided in Subsection (C) in this article, the council or director to applicable Director may deny a development an application if it is shown to exceed the transportation impact analysis or neighborhood transportation analysis demonstrates that:
- ~~(1) The projected traffic generated by the project, combined with existing or forecasted traffic, exceeds the desirable operating conditions or endanger public levels (as per the Transportation Criteria Manual) of the streets studied in the transportation impact analysis or the neighborhood transportation analysis; or~~
  - ~~(2) The project endangers the public safety.~~
- ~~(C) Section C will discuss the role of council to~~ The applicable Director may approve a zoning an application that would otherwise be denied under Section B. Subsection (B) of this article if the applicable Director determines that:

~~Anticipated completion of this section is expected to be April 2017.~~

- ~~(1) 23-9C~~ The applicant has satisfactorily mitigated adverse transportation effects; or
- ~~(2) The projected additional traffic from a project has an insignificant effect on the adjacent street network.~~

## ~~23-9~~ ~~C-3020~~ Application Modification Based ~~On~~ Traffic ~~on~~

## Transportation Analysis

~~(A) This section will discuss the ability for an applicant to modify a development application to reduce traffic impacts minimize the transportation-related effects identified in a traffic transportation impact analysis or neighborhood traffic transportation analysis. Modifications may include:~~

~~Anticipated completion of this section is expected to be April 2017.~~

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## ~~23-9C-3030 Appeal Of Director Action~~

~~Section A will discuss the ability of an applicant to appeal the director's denial of a site plan. Section B will discuss the role of the Land Use Commission or council to approve a site plan. Anticipated completion of this section is expected to be April 2017.~~

- ~~(1) Reduction in the projected vehicle trips per day;~~
- ~~(2) Dedication of additional right-of-way;~~
- ~~(3) Rerouting of traffic through appropriate site planning and improvements, and proposed access and egress point(s);~~
- ~~(4) Participation in the construction or funding of transportation related improvements;~~
- ~~(5) Implementation of transportation demand management plan; and~~
- ~~(6) Other modification determined to be necessary.~~

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**23-9 C-3030 Appeal of Director Action**

- (A) An applicant may appeal the applicable Director's denial of an application under Section 23-9C-3010 (Action on Application) to the appropriate Land Use Commission. An applicant may appeal the decision of the Land Use Commission to the City Council
- (B) The Land Use Commission or the City Council may approve an application if the Land Use Commission or the City Council determines that the:
  - (1) Applicant has satisfactorily mitigated adverse traffic effects; or
  - (2) Additional traffic from the project has an insignificant effect on the adjacent street network.

# Article 23-9D: Street Design

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## Contents

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### ~~**Division 23-9D-1: Roadways Generally**~~

~~23-9D-1010 Standards For Design And  
Construction 23-9D-1020 Street Names  
23-9C-1030 Street Signs~~

---

### ~~**Division 23-9D-2: Roadways In Water Supply Rural Watersheds Or Water Supply Suburban Watershed**~~

~~23-9D-2010 Applicability  
23-9D-2020 Streets In Critical Water Quality Zone Or Water Quality  
Buffer Zone 23-9D-2030 Street Cross Section Design  
23-9D-2040 Modifications To Street Design~~



**Division 23-9D-1: Roadways Generally**

23-9D-1010 Standards for Design And Construction ..... 1  
23-9D-1020 Street Names ..... 1  
23-9D-1030 Traffic Control Devices ..... 1  
23-9D-1040 Modifications to Street Design ..... 2

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# Division 23-9D-1: Roadways Generally

## Contents

<del>23-9D-1010 Standards For Design And Construction</del>	<del>1</del>
<del>23-9D-1020 Street Names</del>	<del>1</del>
<del>23-9C-1030 Street Signs</del>	<del>1</del>

23-9D-1010 Standards for Design And Construction	1
23-9D-1020 Street Names	1
23-9D-1030 Traffic Control Devices	1
23-9D-1040 Modifications to Street Design	2

## 23-9 D-1010 Standards ~~For~~ Design And Construction

- (A) All streets shall comply with the Transportation Plan.
- (B) Except as provided in Subsections (C) and (D), a roadway, street, street intersection, or alley, whether public or private, shall be designed and constructed in accordance with the Transportation Criteria Manual and City of Austin Standards and Standard Specifications.
- (C) The ~~applicable director~~ **Director** may approve a roadway or street that is less than the standard width if a street of narrower width is warranted.
- (D) A roadway, street, or alley must be designed and constructed in accordance with county requirements if it is located in a subdivision that is more than two miles from the city limits and has a density of less than two and one-half lots or dwelling units for each acre.
- (E) The ~~city traffic engineer~~ **City Traffic Engineer**, or ~~applicable director~~ **Director** shall reject any proposed design that creates safety issue(s) and jeopardizes public safety within the City's street system.

## 23-9D-1020 Street Names

New streets shall be named to provide continuity of name with existing streets and to prevent conflict with identical or similarly spelled or pronounced names in other parts of the planning jurisdiction.

## 23-9 ~~ED-1030 Street Signs~~ **Traffic Control Devices**

- (A) ~~The installation~~ **All signs and location of a street sign is determined by roadway striping or legends intended for traffic control on roads or parking areas open to public travel shall conform to the guidelines in the most recent version current edition of the Texas Manual on Uniform Traffic Control Devices.**
- (B) The subdivider shall provide the City with street name signs for street intersections with traffic signals.
- (C) The subdivider shall provide and install pole mounted street name signs at

street intersections without traffic signals.

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# ~~Division 23-9D-2: Roadways In Water Supply Rural Watersheds Or Water Supply Suburban Watershed~~

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## Contents

<del>23-9D-2010</del> Applicability .....	1
<del>23-9D-2020</del> Streets In Critical Water Quality Zone Or Water Quality Buffer Zone .....	1
<del>23-9D-2030</del> Street Cross-Section Design .....	1
<del>23-9D-2040</del> Modifications To Street Design .....	1

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### ~~23-9D-2010~~ Applicability

~~This division applies to a subdivision if a part of the subdivision is in a water supply rural watershed or water supply suburban watershed.~~

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### ~~23-9D-2020~~ Streets In Critical Water Quality Zone Or Water Quality Buffer Zone

~~The right-of-way and street design for a street located in a critical water quality zone, water quality buffer zone, or an upland zone must comply with the alternative-geometric design criteria for streets without curbs and gutters prescribed in the Transportation Criteria Manual.~~

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### ~~23-9D-2030~~ Street Cross-Section Design

~~An applicant must designate the type of street cross-section design to be used at the time that the application is filed.~~

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### ~~23-9~~ ~~D-2040~~ Modifications To Street Design

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### 23-9 D-1040 Modifications to Street Design

The applicable ~~director~~Director may allow alternative street design or modify a curb and gutter requirement or the minimum width of a right-of-way prescribed in the Transportation Criteria Manual for a street after considering:

- ~~(A)~~ A report from the applicable directorThe applicant must demonstrate that assesses the adequacy with which a proposed alternative the design deals with storm water drainage, provides adequate traffic safety, adequate conveyance of stormwater, and general public welfare;
- ~~(B)~~(A) The applicant's written statement in support of the modification; and
- ~~(C)~~(B) The applicant's preliminary plan for street construction under the proposed modification.

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# Article 23-9E: Driveway, Sidewalk, Urban Trail, And Right-Of-Way Construction

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## Contents

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### ~~Division 23-9E-1: Construction License~~

~~23-9E-1010 License  
Required 23-9E-1020  
Application;  
Bond  
23-9E-1030 License Approval  
Standard 23-9E-1040 License  
Fee  
23-9E-1050 License Term; Suspension and Revocation~~

---

### ~~Division 23-9E-2: Right-Of-Way Permit~~

~~23-9E-2010 Permit Required For A  
Project 23-9E-2020 Application  
23-9E-2030 Permit For Driveway  
Approach 23-9E-2040 Driveway  
Approach Design  
23-9E-2050 Automatic Revocation  
23-9E-2060 Automatic Suspension  
23-9E-2070 Enforcement~~

---

### ~~Division 23-9E-3: General Design and Maintenance Requirements~~

~~23-9E-3010 Compliance Required  
23-9E-3020 Design and Construction  
Standards 23-9E-3030 Establishing Line  
and Grade  
23-9E-3040 Alternate Materials, Designs, and Construction  
Standards 23-9E-3050 Removing Existing Curb Openings or  
Driveway Approaches 23-9E-3060 Relocation or Replacement of  
Certain Facilities or Trees  
23-9E-3070 Inspection Procedures  
23-9E-3080 Roadway Maintenance~~



## ~~**Division 23-9E-4: Conditions for Approval of Development Applications**~~

~~23-9E-4010 — Existing Driveway~~

~~23-9E-4020 — Driveway Closing and Curb-~~

~~Construction 23-9E-4030 — Alleyways~~

Table of Contents — Article 23-9E: **Division 23-9E-1: Construction License**

23-9E-1010 License

Required 23-9E-1020

Application;

Bond

23-9E-1030 License Approval

Standard 23-9E-1040 License

Fee

23-9E-1050 License Term; Suspension and Revocation

---

**Division 23-9E-2: Right-Of-Way Permit**

23-9E-2010 Permit Required For A

Project 23-9E-2020 Application

23-9E-2030 Permit For Driveway

Approach 23-9E-2040 Driveway

Approach Design

23-9E-2050 Automatic Revocation

23-9E-2060 Automatic Suspension

23-9E-2070 Enforcement

---

**Division 23-9E-3: General Design and Maintenance Requirements**

23-9E-3010 Compliance Required

23-9E-3020 Design and Construction

Standards 23-9E-3030 Establishing Line

and Grade

23-9E-3040 Alternate Materials, Designs, and Construction

Standards 23-9E-3050 Removing Existing Curb Openings or

Driveway Approaches 23-9E-3060 Relocation or Replacement of

Certain Facilities or Trees

23-9E-3070 Inspection

Procedures 23-9E-3080

Roadway

Maintenance

23-9E-3090 Driveway Approach Maintenance

23-9E-3100 Defective Conditions or Special Uses

---

**Division 23-9E-4: Conditions for Approval of Development Applications**

23-9E-4010 Existing Driveway

23-9E-4020 Driveway Closing and Curb Construction

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## ~~23-9E-5: Sidewalks & Urban Trails~~

~~23-9E-5010 Sidewalk and/or Urban Trail Installation in~~

~~Subdivisions 23-9E-5020 Sidewalk and/or Urban Trail~~

~~Installation with Site Plans~~

~~23-9E-5030 Sidewalk Installation and/or Urban Trail with Building or Relocation Permit~~

~~23-9E-5040 Payment Instead of Sidewalk and/or Urban Trail Installation or~~

~~Reconstruction 23-9E-5050 Sidewalk Requirements~~

23-9E-4030 Alleys

**Division 23-9E-5: Sidewalks, Street Trees, and Urban Trails**

---

23-9E-5010 Sidewalk and/or Urban Trail Installation in Subdivisions

23-9E-5020 Sidewalk, Bicycle Facility and/or Urban Trail Installation with Site Plans

23-9E-5030 Sidewalk Installation and/or Urban Trail with Building or Relocation Permit

23-9E-5040 Payment Instead of Sidewalk and/or Urban Trail Installation or

Reconstruction 23-9E-5050 Street Tree Requirements

# Division 23-9E-1: Construction License

## Contents

<del>23-9E-1010 License Required</del> .....	<del>1</del>
<del>23-9E-1020 Application; Bond</del> .....	<del>1</del>
<del>23-9E-1030 License Approval Standard</del> .....	<del>2</del>
<del>23-9E-1040 License Fee</del> .....	<del>2</del>
<del>23-9E-1050 License Term; Suspension and Revocation</del> .....	<del>2</del>

<del>23-9E-1010 License Required</del> .....	<del>1</del>
<del>23-9E-1020 Application; Bond</del> .....	<del>1</del>
<del>23-9E-1030 License Approval Standard</del> .....	<del>2</del>
<del>23-9E-1040 License Fee</del> .....	<del>2</del>
<del>23-9E-1050 License Term; Suspension and Revocation</del> .....	<del>2</del>

## 23-9 E-1010 License Required

- (A) ~~A person~~An applicant must establish that a person is qualified to ~~construct, alter, remove, perform an activity that removes or repair a sidewalk, curb, gutter, driveway approach, street pavements, medians~~otherwise disturbs soil, pavement, driveways, curbs, or pedestrian sidewalks in the right-of-way by obtaining a right-of-way construction license.
- (B) A person may not obtain a permit under Section 23-9E-2010 (Permit Required For A Project) to engage in an activity described in Subsection (A) unless a person is licensed under this division.
- (C) A contractor or agent of a franchise holder must comply with the licensing requirements in this division in order to perform work described in this division.
- (D) A licensee shall retain general supervision of all work engaged in under a license.
- (E) A person may not transfer or assign a license issued under this division.

## 23-9 E-1020 Application; Bond

- (A) To obtain a right-of-way construction license, a person must submit an application to the applicable ~~director~~Director on a prescribed form.
- (B) An application under Subsection (A) must be accompanied by a bond in a form approved by the ~~city attorney~~City Attorney and in an amount established by the applicable ~~director~~Director. The bond must be payable to the City and issued by a surety authorized to do business in Texas.
- (C) The bond submitted under Subsection (B) must contain the following provisions:
  - (1) The bond is issued for the use and benefit of the City and all persons who may suffer injury resulting from the construction performed under the license;

- (2) The principal protects the City and all persons from damage or injury arising from negligence in the performance of work under the contract;
  - (3) The principal protects the City and all persons from damage or injury arising from failure to faithfully observe and comply with the City requirements for construction or repair work; and
  - (4) The term of the bond is effective for the term of the license.
- (D) The applicable ~~director~~ Director shall base the amount of the bond on:

- (1) The cost of the applicant's past projects and the projected cost of future projects; and
- (2) The potential damage to a right-of-way that the activity of the applicant may - cause.

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**23-9            E-1030    License Approval Standard**

The applicable ~~director~~Director may approve a license if:

- (A) The applicable ~~director~~Director determines that the applicant is qualified to perform the work based on the applicant's experience; and
- (B) The applicant has provided the bond required by this division.

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**23-9            E-1040    License Fee**

- (A) Except as provided by Subsection (B), an applicant must pay a license fee before a right-of- way construction license is issued.
- (B) A holder of a City franchise is not required to pay a license fee.

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**23-9            E-1050    License Term; Suspension and Revocation**

- (A) Except as otherwise provided by Subsection (B) and (C), a license issued under this division is effective on the date of issuance and remains effective for one year from the date of issuance.
- (B) If a bond required by this division lapses or is terminated, suspended, or revoked, the license issued to the contractor is automatically suspended. The contractor may not resume construction described by Section 23-9E-1010 (License Required) until the applicable ~~director~~Director reinstates or renews the license or issues a new license.
- (C) The applicable ~~director~~Director may suspend or revoke a license based on the licensee's failure to follow permit terms or conditions.

# Division 23-9E-2: Right-Of-Way Permit

## Contents

<del>23-9E-2010</del> Permit Required For A Project .....	1
<del>23-9E-2020</del> Application .....	2
<del>23-9E-2030</del> Permit For Driveway Approach .....	2
<del>23-9E-2040</del> Driveway Approach Design .....	2
<del>23-9E-2050</del> Automatic Revocation .....	3
<del>23-9E-2060</del> Automatic Suspension .....	3
<del>23-9E-2070</del> Enforcement .....	3

<u>23-9E-2010</u> Permit Required For A Project .....	1
<u>23-9E-2020</u> Application .....	1
<u>23-9E-2030</u> Permit For Driveway Approach .....	2
<u>23-9E-2040</u> Driveway Approach Design .....	2
<u>23-9E-2050</u> Automatic Revocation .....	3
<u>23-9E-2060</u> Automatic Suspension .....	3
<u>23-9E-2070</u> Enforcement .....	3

## 23-9 E-2010 Permit Required For A Project

- (A) Except as provided by Subsection ~~(C)~~, a person must obtain a right-of-way permit in accordance with Chapter 14-11 to:
- ~~(1) Construct, alter, repair, Perform an activity that removes or remove a sidewalk, curb, gutter, median otherwise disturbs soil, pavement, driveway approach, pedestrian way driveways, curbs, or any other facilities sidewalks in the public right-of-way; or~~
  - ~~(1) Remove a tree from public right-of-way; or~~
  - ~~(1) Temporarily use the right-of-way to:~~
    - ~~(e)(2) Block, direct, impede, or reroute pedestrian and vehicular traffic; or~~
    - ~~(e)(3) Place a barricade or other traffic control device in a right-of-way; (refer to 14-11 Division 2. Temporary Use of Right of Way.)~~
  - ~~(0) Conduct Grading, or excavation as defines by chapter 14-11-161 (refer to Article 2 Division 3, Excavation in Right of Way)~~
- ~~(C) A separate permit is required for each lot, tract of land, or street block on which activity described in Subsection (A) occurs.~~
- ~~(D)~~(B) A right-of-way permit is not required, if the work occurs outside of City accepted right-of-way and:
- (1) Is performed in accordance with an approved site plan; or
  - (2) Is performed as part of the construction of a new subdivision plan if the



construction:

- (a) Is included on the subdivision's approved street and drainage construction plans; ~~and~~ <sup>or</sup>
- (b) The proposed construction occurs at the time that construction of the street and drainage systems occurs; <sup>or</sup> ~~and~~
- (3) Is a minor repair or construction, as determined by the applicable ~~director~~ <sup>Director</sup>; or
- (4) Will be performed by a public utility or franchise holder.

~~(E)(C)~~ A person may not transfer or assign a permit issued under this division.

~~23-9E-2020~~

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Right Of Way Permit

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## 23-9E-2020 Application

To obtain a right-of-way permit, a licensed contractor must file an application with the ~~applicable director~~ Transportation Director in accordance with ~~Chapter 14-11~~ Section 23-9E-1020.

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## 23-9 E-2030 Permit For Driveway Approach

- (A) Except as provided in Subsection (C), the applicable ~~director~~Director may approve a driveway approach unless the applicable ~~director~~Director determines that the proposed driveway will have an adverse effect on vehicle and pedestrian traffic and public safety.
- (B) To determine the effect of a proposed driveway, the applicable ~~director~~Director shall consider:
- (1) The topography of the land;
  - (2) Land use, including the intensity of development, potential trip generation, the mix of vehicles, and turning movement;
  - (3) Function of the public street, including the design and layout of the street, proximity to traffic signals, sight distance, operating speed, traffic volume, entrance/exit ramps, and frontage roads;
  - (4) The location of a nearby street or driveway;
  - (5) The site plan, including the uses, on-site circulation, path delineation, the existence of parking stalls, building location, and loading facility location; and
  - (6) The potential increase in traffic routed onto a street as a result of the driveway installation.
- (C) The applicable ~~director~~Director may not issue a permit for a driveway approach for:
- (1) A driveway that provides access to or cut a curb that fronts on Lamar Boulevard between West 24th Street and West 30th Street; and
  - (2) A project that provides for parking between an established curb line or edge of paving and the property line of the adjacent property, unless specifically directed by the ~~council~~Council; or
  - (3) ~~A person~~A stand-alone driveway not associated with a land use.
- (D) An applicant may not construct a type 2 driveway approach (which is defined in the Transportation Criteria Manual) to provide access to angle or head-in parking for which a portion of the pedestrian way is required to maneuver in or out of a space.
- (E) An applicant may appeal a decision of the applicable ~~director~~Director under this section to the Land Use Commission. In making a determination on an appeal filed under this section, the Land Use Commission shall consider the factors in Subsection (B).

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## 23-9 E-2040 Driveway Approach Design

The design of a driveway approach must:

- (A) Comply with an approved administrative site plan; or
- (B) Be approved by the applicable ~~director~~Director.

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## 23-9E-2050 Automatic Revocation

A permit is automatically revoked if the applicable ~~director~~Director determines that an applicant falsified information in a governmental record submitted under this division or omitted information required under this division.

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## 23-9 E-2060 Automatic Suspension

- (A) A permit is automatically suspended if:
- (1) Construction performed under the permit results in damage to or interferes with public utility equipment or service, a storm water drainage facility, a public structure, traffic signal systems ~~and communication, communications equipment,~~ or a tree ~~in a pedestrian way;~~ and
  - (2) The permittee did not obtain consent of the owner of the utility equipment or service, storm water drainage facility, public structure, traffic signal system, ~~or pedestrian way, communications equipment, or tree~~ before performing the - construction activity.
- (B) The applicable ~~director~~Director may only reinstate a permit after determining that the permit holder has:
- (1) Provided compensation for the damage; ~~and/or~~
  - (2) Eliminated the interference; and/or
  - (3) Repaired the damage to the satisfaction of the owning entity.
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## 23-9 E-2070 Enforcement

The applicable ~~director~~Director shall:

- (A) Regulate the placement of improvements and facilities on public property;
- (B) Order the removal of an unauthorized obstruction or encroachment from public property and if necessary, remove the obstruction or encroachment at the responsible party's' expense; ~~and~~
- (C) Suspend or revoke a permit issued under this division if the applicable ~~director~~Director determines that the permittee has violated the terms of the permit; and
- (D) Place a hold on a certificate of occupancy or temporary certificate of occupancy until permit requirements are met, which may include payment of any assessed fees.

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# Division 23-9E-3: General Design and Maintenance Requirements

## Contents

<del>23-9E-3010 Compliance Required</del> .....	<del>1</del>
<del>23-9E-3020 Design and Construction Standards</del> .....	<del>1</del>
<del>23-9E-3030 Establishing Line and Grade</del> .....	<del>1</del>
<del>23-9E-3040 Alternate Materials, Designs, and Construction Standards</del> .....	<del>2</del>
<del>23-9E-3050 Removing Existing Curb Openings or Driveway Approaches</del> .....	<del>2</del>
<del>23-9E-3060 Relocation or Replacement of Certain Facilities or Trees</del> .....	<del>2</del>
<del>23-9E-3070 Inspection Procedures</del> .....	<del>2</del>
<del>23-9E-3080 Roadway Maintenance</del> .....	<del>3</del>
<del>23-9E-3090 Driveway Maintenance</del> .....	<del>3</del>
<del>23-9E-3100 Defective Conditions or Special Uses</del> .....	<del>3</del>

<u>23-9E-3010 Compliance Required</u> .....	<u>1</u>
<u>23-9E-3020 Design and Construction Standards</u> .....	<u>1</u>
<u>23-9E-3030 Establishing Line and Grade</u> .....	<u>1</u>
<u>23-9E-3040 Alternate Materials, Designs, and Construction Standards</u> .....	<u>2</u>
<u>23-9E-3050 Removing Existing Curb Openings or Driveway Approaches</u> .....	<u>2</u>
<u>23-9E-3060 Relocation or Replacement of Certain Facilities or Trees</u> .....	<u>2</u>
<u>23-9E-3070 Inspection Procedures</u> .....	<u>2</u>
<u>23-9E-3080 Roadway Maintenance</u> .....	<u>3</u>
<u>23-9E-3090 Driveway Approach Maintenance</u> .....	<u>3</u>
<u>23-9E-3100 Defective Conditions or Special Uses</u> .....	<u>3</u>

## 23-9 E-3010 Compliance Required

- (A) Construction authorized by a permit issued under this article must comply with the requirements of ~~Article~~Chapter 23-2H (Construction Management and Certificates) and this ~~division~~Division.
- (B) The permittee shall retain general supervision of all work engaged in under a permit.

## 23-9 E-3020 Design and Construction Standards

- ~~(1)~~(A) The design, construction, alteration, or repair of a sidewalk, driveway

approach, pavement, appurtenance on public property, or other facility to provide access to adjoining property must comply with the Transportation Criteria Manual.

~~(2)(B)~~ The design, construction, alteration, or repair of a curb or gutter must comply with the Drainage Criteria Manual and the Transportation Criteria Manual.

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## 23-9

### E-3030 Establishing Line and Grade

- (A) The permittee shall establish the line and grade for construction performed under this division and shall set, preserve, and protect the line and grade stakes.
- (B) The ~~city manager~~City Manager may require the permittee to set line and grade stakes under the direct supervision of a registered ~~public surveyor~~Public Surveyor or ~~professional engineer~~Professional Engineer registered in the State of Texas.

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## 23-9 E-3040 Alternate Materials, Designs, and Construction Standards

- (A) The applicable ~~director~~Director may approve an alternative material, design, or method of construction that deviates from requirements of this article or the Transportation Criteria Manual if the applicable ~~director~~Director determines that the alternative is safe, durable, and equivalent to the requirements set out in this article and the Transportation Criteria Manual.
- (B) Materials, designs, or methods of construction approved under Subsection (A) must be used and installed in accordance with the terms of approval.

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## 23-9 E-3050 Removing Existing Curb Openings or Driveway Approaches

A person who constructs a new driveway approach shall:

- (A) Remove an existing curb opening or driveway approach on the same property if the opening or approach is not required;
- (B) Match a new curb, gutter, or sidewalk, to the existing adjoining curb grade and alignment; and
- (C) Install a new curb, gutter, or sidewalk, if required, at the same time that the new driveway approach is installed.

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## 23-9 E-3060 Relocation or Replacement of Certain Facilities or Trees

- (A) A permittee shall pay the cost of relocating a public utility's ~~stormwater~~storm water drainage improvement, water and waste water facilities, electrical equipment, traffic signal equipment, communications equipment, or trees required by the permittee's proposed construction.

~~(A) If relocating or replacing a tree is required as a condition of a right-of-way construction permit, the permit shall comply with the requirements of the applicable director.~~

~~(B) If regulated trees are present, refer to Article 23-3C (Urban Forest Protection and Replenishment) to ensure compliance with urban forest regulations.~~

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## 23-9 E-3070 Inspection Procedures

The applicable ~~director~~Director shall establish a procedure for the inspection of construction authorized under a permit. The inspection procedures must provide for the following:

- (A) Phase 1: ~~Inspection~~inspection of all elements that constitute the project to include



but not limited to: inspection of materials, material testing, line and grade, forms, reinforcing steel, drainage and ~~subgrades~~sub-grade before a final course of material is placed; ~~and~~

(B) Phase 2 inspection: final inspection of construction, including cleanup; ~~and~~

- (C) All projects designated as SP (Sites) or C8 (Subdivisions) shall have plans prepared by a Professional Engineer licensed in Texas. These plans shall be submitted to the Inspection Intake ~~office~~Office of Development Services. It is expected that these plans shall be complete- in conveying the intent of the designer and shall follow current acceptable standards of working documents. It is expressly understood that the plans have been appropriately reviewed and approved by the appropriate City Department not including the inspection group or department.
-

~~reviewed and approved by the appropriate city department not including the inspection group or department.~~

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### 23-9E-3080 Roadway Maintenance

The applicable ~~director~~ Director shall repair and maintain the roadways and facilities in the right-of-way.

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### 23-9E-3090 Driveway Approach Maintenance

The person owning any property abutting a driveway approach shall be responsible for ~~ensuring installation,~~ repair, and maintenance of the driveway approach consistent with appropriate and applicable standards for construction in the public ~~right-of-way~~ right of way and shall keep such driveway approach in a good and safe condition free from any defects and hazards of any kind or character.

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### 23-9E-3100 Defective Conditions or Special Uses

It shall be the duty of any person making special use of any sidewalk, pedestrian way, curb, gutter, or driveway approach for the purpose of ingress/egress, downspout drains, or any other special use of any character, to keep such sidewalk, pedestrian way, curb, gutter, or driveway approach abutting such property in a good and safe condition and free from any defects and hazards of any kind and character.

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# Division 23-9E-4: Conditions for Approval of Development Applications

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## Contents

<del>23-9E-4010 Existing Driveway</del> .....	<del>1</del>
<del>23-9E-4020 Driveway Closing and Curb Construction</del> .....	<del>1</del>
<del>23-9E-4030 Alleys</del> .....	<del>1</del>

---

<u>23-9E-4010 Existing Driveway</u> .....	<u>1</u>
<u>23-9E-4020 Driveway Closing and Curb Construction</u> .....	<u>1</u>
<u>23-9E-4030 Alleys</u> .....	<u>1</u>

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## 23-9E-4010 Existing Driveway

The ~~applicable director~~Director shall require an existing driveway to conform with this article and the Transportation Criteria Manual as a condition of approval for an application for zoning, rezoning, site plan approval, or site plan exemption.

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## 23-9 E-4020 Driveway Closing and Curb Construction

- (A) Based on the criteria of Transportation Criteria Manual, the ~~applicable director~~Director ~~may require a driveway closing or curb or sidewalk construction as a condition of approval of a site plan, site plan exemption, building permit, zoning, or rezoning application.~~
- ~~(C) Require a driveway closing or curb or sidewalk construction as a condition of approval of an administrative site plan or site plan exemption; or~~
- ~~(D) Recommend that driveway closing or curb or sidewalk construction be required as a condition of zoning or rezoning.~~
- ~~(B)~~(B) The applicable ~~director~~Director may require partial or complete closure of an existing driveway that creates safety issue(s) to the City's street system. Construction of curb and/or sidewalk consistent with the Transportation Criteria Manual shall be required as part of any driveway closure.

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## 23-9 E-4030 ~~Alleyways~~Alleys

- (A) If a lot, or any portion of a site, is adjacent to an alley, then access for trash and loading shall be taken from the alley, unless otherwise approved by the ~~applicable director~~Director.
- (B) The ~~applicable director~~Director may require an existing, unpaved alley to be paved for all or a portion of its length if access from an alley is proposed in an application for zoning, re-zoning, site plan, or building permit approval.

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# Division 23-9E-5: Sidewalks & Street Trees, and Urban Trails

## Contents

<del>23-9E-5010</del> Sidewalk and/or Urban Trail Installation in Subdivisions .....	1
<del>23-9E-5020</del> Sidewalk and/or Urban Trail Installation with Site Plans.....	1
<del>23-9E-5030</del> Sidewalk Installation and/or Urban Trail with Building or Relocation Permit .....	1
<del>23-9E-5040</del> Payment Instead of Sidewalk and/or Urban Trail Installation or Reconstruction.....	1
<del>23-9E-5050</del> Existing Sidewalk Code Language .....	2

<del>23-9E-5010</del> Sidewalk and/or Urban Trail Installation in Subdivisions .....	1
<del>23-9E-5020</del> Sidewalk, Bicycle Facility and/or Urban Trail Installation with Site Plans .....	2
<del>23-9E-5030</del> Sidewalk Installation and/or Urban Trail with Building or Relocation Permit.....	2
<del>23-9E-5040</del> Payment Instead of Sidewalk and/or Urban Trail Installation or Reconstruction .....	3
<del>23-9E-5050</del> Street Tree Requirements.....	3

## ~~23-9~~ ~~E-5010~~ Sidewalk and/or Urban Trail Installation in Subdivisions

~~Section A will discuss the installation and reconstruction of person who subdivides property shall install sidewalks, curb ramps, and any applicable urban trails for subdivisions.~~

~~(A) Section B will discuss the inclusion of proposed and/or reconstruct existing, non-compliant sidewalks and urban trails in curb ramps in a subdivision in accordance with the Transportation Criteria Manual. A preliminary subdivision plan and final plat a final plat must indicate the location of a proposed or existing sidewalk and urban trail.~~

~~Anticipated completion of this section is expected to be September 2017.~~

~~(B) A sidewalk and/or urban trail that is indicated on a recorded plat or approved site plan shall be installed concurrently with the installation of the corresponding subdivision roads or in conformance with a phasing plan that meets all of the following:~~

~~(1) Provides ADA compliant pedestrian access within the subdivision to the boundaries of the subdivision from any operational: transit stop, park, or place of public accommodation as regulated by the Americans with Disabilities Act (ADA);~~

~~(2) Provides ADA compliant pedestrian access within the subdivision to the boundaries of the subdivision from any multi-family building within the subdivision subject to Fair Housing Act Accessibility requirements that has received a certificate of occupancy;~~

- (3) Provides ADA compliant pedestrian access within the subdivision to the boundaries of the subdivision from any lot or building that has received a certificate of occupancy within two years of the installation of the corresponding subdivision road.
- (C) Except as provided in Section 23-9E-5040 (Payment Instead of Sidewalk and/or Urban Trail Installation or Reconstruction), the accountable official may not issue a certificate of occupancy or certificate of compliance until a sidewalk and/or urban trail required under this division is installed.
- (D) The construction of a sidewalk, urban trail, or driveway approach is not complete until all utility connections are complete and a cut required by the utility installation is restored.
- (E) The width requirement for sidewalks per the Transportation Criteria Manual shall apply regardless of the available right-of-way; the sidewalk shall extend onto private property, to fulfill the width requirement when sufficient right-of-way is not available.



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**23-9 E-5020 Sidewalk, Bicycle Facility and/or Urban Trail Installation with Site Plans**

~~This section will discuss the installation and reconstruction of sidewalks/curb ramps and/or urban trails for site plans.~~

~~Anticipated completion of this section is expected to be September 2017.~~

- 
- (A) ~~23-9E~~The Director or Land Use Commission may not approve a site plan unless sidewalks, bicycle facilities, and/or urban trails are shown on the site plan property and/or right of way adjacent to the property for which approval is being requested, if required by the Transportation Criteria Manual. Existing, non-compliant sidewalks and curb ramps shall be reconstructed to comply with the requirements of the Transportation Criteria Manual.
- (B) Except as provided in Section 23-9E-5040 (Payment Instead of Sidewalk and/or Urban Trail Installation or Reconstruction), the accountable official may not issue a certificate of occupancy or certificate of compliance until a sidewalk, bicycle facility and/or urban trail required under this division is installed.
- (C) The width requirement for sidewalks per the Transportation Criteria Manual shall apply regardless of the available right-of-way; the sidewalk shall extend onto private property, to fulfill the width requirement when sufficient right-of-way is not available.

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**23-9 E-5030 Sidewalk Installation and/or Urban Trail with Building or Relocation Permit**

(A) ~~This section will discuss the installation and reconstruction of sidewalks/curb ramps and urban trails for~~applies to:

(1) A building ~~permit~~ for construction of:

(a) A new building; or

(b) An addition to an existing building that increases the building's gross floor area by 50 percent or more; or

(2) A relocation ~~permits~~ permit to move a building from one site to another.

~~Anticipated completion of this section is expected to be September 2017.~~

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(B) ~~Except as provided in Section 23-9E-5040~~(Payment Instead of Sidewalk and/or Urban Trail Installation or Reconstruction).

(1) The building official may not approve a building or relocation permit unless sidewalks, curb ramps, and/or urban trails are shown on the plot plan or site plan property and/ or right of way adjacent to the property for which approval is being requested, as applicable, if required by the Transportation Criteria Manual. Existing, non-compliant sidewalks and curb ramps shall be reconstructed to comply with the requirements of the Transportation Criteria Manual; and

(2) The building official may not issue a certificate of occupancy until a sidewalk and/or urban trails required under this division is installed.

(C) The width requirement for sidewalks per the Transportation Criteria Manual shall apply regardless of the available right-of-way; the sidewalk shall extend onto private property, to fulfill the width requirement when sufficient right-of-way is not available.

~~Section A will discuss procedures for requesting payment of fees in lieu of installing sidewalks and/or urban trails.~~

~~Section B will discuss factors that the applicable director may consider when determining whether or not to grant payment of fees in lieu of installing~~

**23-9 E-5040 Payment Instead of Sidewalk and/or Urban Trail Installation or Reconstruction**

(A) An applicant may request to pay a fee instead of installing a sidewalk by filing a written request at the time the person submits a permit application in the manner prescribed by the Director. An applicant who has not filed a request at the time of application, may later amend the application to request to pay fee instead of installing a sidewalk.

(B) The Public Works Director may approve payment of a fee instead of installation of a sidewalk and/or urban trail if the Public Works Director determines that buildout of the sidewalks and/or urban trails on the block face on which the property is located is not anticipated within a reasonable time frame because:

- (1) There are no sidewalks in the vicinity, and it is unlikely that there will be development nearby that would require the installation of sidewalks and/or urban trails.

~~Section C will discuss the fee amount for sidewalks~~Installation of the sidewalk and/or urban trails-

would require

~~(2) Section D will discuss where the fees for sidewalks and/or urban trails can be used (ie service areas) removal of a protected tree or other major obstruction within the right-of-way;~~

~~Section E will discuss the time line in which the fees must be spent.~~

~~Anticipated completion of this section is expected to be September 2017.~~

(3) A stormwater drainage ditch or similar public utility facility prevents the installation of the sidewalk and/or urban trails, and neither the sidewalk and/or urban trails nor the facility can be reasonably relocated to accommodate both;

(4) Other unusual physical constraints that make it unlikely that the sidewalk and/or urban trail can be connected into the sidewalk/urban trail network.

(C) In making a determination under Subsection (B), the Public Works Director shall give primary consideration to the following:

(1) Approved transportation plans;

(2) The adopted neighborhood plan;

(3) Information provided by the neighborhood planning team;

(4) Information provided by a registered neighborhood association.;

(D) The amount of the fee is determined in accordance with the Transportation Criteria Manual.

(E) A fee paid under this section must be used to install a pedestrian facility in the same service area.

(F) The City may refund the fee to the applicant if it is not spent within 10 years of the date of its collection.

## 23-9

## E-5050 ~~Sidewalk~~Street Tree Requirements

~~(A) The classifications~~ Street tree requirements will apply to all development that requires one of roadway types in this section will be coordinated through the following and in accordance with the Transportation Plan:

~~(1) In order to create an environment~~A subdivision construction plan; or

~~(2) A site plan with new construction on previously undeveloped land; or~~

~~(3) A site plan with new construction or site development where the Director determines that all buildings on the site have been or will be demolished~~

- ~~(A)(B) Street trees shall be located planted along both sides of all Core Transit Corridors roadways in accordance with the requirements of this section Transportation Criteria Manual.~~
- ~~(1) Compliance with this section is required. The width requirement for all sites with frontage along a Core Transit Corridor street tree planting shall apply regardless of principal street designation or building placement~~
- ~~(1) requirements, but a development located on one side of a the available right-of-way; the street or tree planting area shall extend onto private property, within a public access easement, to fulfill the width requirement when sufficient right-of-way is not required to provide sidewalks on the opposite side of the street or right-of-way available.~~
- ~~(1) A development that complies with the Great Streets standards adopted by Resolution No. 040205-14, as now or hereafter amended, is exempt from the requirements of this section and may seek any reimbursements available under the Great Streets Development program.~~
- ~~(2) For development that is subject to the requirements of this section, no sidewalk shall be less than 15 feet in width, unless otherwise approved as part of the Alternative Equivalent Compliance process.~~
- ~~(3) The 15-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 15-foot minimum requirement, with a sidewalk easement provided.~~
- ~~(A) Sidewalks shall consist of two zones: a planting zone located adjacent to the curb, and a clear zone. The following standards shall apply to these zones:~~
- ~~(5) Planting Zone:~~
- ~~(-) The planting zone shall have a minimum width of eight feet (from face of curb) and shall be continuous and located adjacent to the curb.~~
  - ~~(-) The zone shall be planted with street trees at an average spacing not greater than 30 feet on center. The director shall adopt a list of acceptable street trees for purposes of this section. The list shall emphasize shade trees; however, alternative trees may only be approved where conflicts may arise because of overhead utility lines.~~
  - ~~(-) In addition, the zone is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.~~
- ~~(9) Clear Zone:~~
- ~~(2) The applicable Director shall adopt criteria for the design, planting, and care of street trees related to street tree spacing, minimum soil volume, and tree care and tree health.~~

- ~~—The clear zone shall be a minimum width of seven feet, shall be hardscaped, shall be located adjacent to the planting zone, and shall comply with ADA and Texas Accessibility Standards.~~
- ~~(i) The clear zone shall be unobstructed by any permanent or nonpermanent element for a minimum width of seven feet and a minimum height of eight feet.~~
- ~~(A) Public sidewalks shall be located along both sides of all Urban Roadways in accordance with the requirements of this section.~~
- ~~(1) Compliance with this section is required for all sites with frontage along an Urban Roadway regardless of principal street designation or building placement requirements, but a development located on one side of a street or right-of-way is not required to provide sidewalks on the opposite side of the street or right-of-way.~~
- ~~(1) A development that complies with the Great Streets standards adopted by Resolution No. 040205-14, as now or hereafter amended, is exempt from the requirements of this section and may seek any reimbursements available under the Great Streets Development program.~~
- ~~(A) For development that is subject to the requirements of this section, sidewalks shall be no less than 12 feet in width, unless otherwise approved as part of the Alternative Equivalent Compliance process.~~
- ~~(1) The 12-foot minimum requirement shall apply regardless of the available right-of-way.~~
- ~~(1) Where required, the sidewalk shall extend onto private property to fulfill the 12-foot minimum requirement, with a sidewalk easement provided.~~
- ~~(A) Sidewalks shall consist of two zones: a planting zone located adjacent to the curb, and a clear zone. The following standards apply:~~
- ~~(1) Planting Zone:~~
- ~~(i) The planting zone shall have a minimum width of seven feet and shall be continuous and located adjacent to the curb.~~
- ~~(i) In addition, the planting zone is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.~~
- ~~(1) Clear Zone:~~
- ~~(i) The clear zone shall be a minimum width of five feet, shall be hardscaped, shall be located adjacent to the planting zone, and shall comply with ADA and Texas Accessibility Standards.~~
- ~~(i) The clear zone shall be unobstructed for a minimum width of five feet and a minimum height of eight feet.~~
- ~~(A) Public sidewalks shall be located along both sides of all Suburban Roadways in accordance with the requirements of this section.~~
- ~~(1) Compliance with this section is required for all sites with frontage along an Suburban Roadway regardless of principal street designation or building placement requirements, but a development located on one side of a street or right-of-way is not required to provide sidewalks on the opposite side of the street or right-of-way.~~

~~(2) Sidewalks and supplemental zones shall comply with the standards for sidewalks along Urban Roadways above.~~

# Article 23-9F: Access to Major Roadways

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## Contents

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### ~~Division 23-9F-1: Access to Major Roadways~~

~~23-9F-1010 Minimum Frontage for Access for Existing Streets~~

~~23-9F-1020 Minimum Frontage for Access for Planned or Newly Constructed Streets~~  
~~23-9F-1030 Property Subject to Condemnation~~

~~23-9F-1040 Joint Use Driveways~~



23-9F-1020 Minimum Frontage for Access for Planned or Newly Constructed Streets ..... 1  
23-9F-1030 Property Subject to Condemnation ..... 2  
23-9F-1040 Joint-Use Driveways ..... 2

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# Division 23-9F-1: Access to Major Roadways

## Contents

<del>23-9F-1010</del> Minimum Frontage for Access for Existing Streets .....	1
<del>23-9F-1020</del> Minimum Frontage for Access for Planned or Newly Constructed Streets .....	1
<del>23-9F-1030</del> Property Subject to Condemnation .....	2
<del>23-9F-1040</del> Joint Use Driveways .....	2

---

<del>23-9F-1010</del> Minimum Frontage for Access for Existing Streets .....	1
<del>23-9F-1020</del> Minimum Frontage for Access for Planned or Newly Constructed Streets .....	1
<del>23-9F-1030</del> Property Subject to Condemnation .....	2
<del>23-9F-1040</del> Joint-Use Driveways .....	2

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## 23-9 F-1010 Minimum Frontage for Access for Existing Streets

- (A) In this section, “major roadway” means a roadway that is designated in the ~~transportation plan~~ Transportation Plan or in a roadway plan approved by the appropriate county.
- (B) Except as provided in Subsection (C), a subdivision plat or a site plan may not provide for direct access from a lot to a major roadway unless the lot contains 330 feet or more of frontage on the major roadway and alternative access is not available.
- (C) The applicable ~~director~~ Director shall permit access to a major roadway from a property with less than 330 feet of frontage on a major roadway if the property is subject to right-of-way condemnation and if:
  - (1) The property possessed more than 330 feet of frontage on the roadway before condemnation;
  - (2) The proposed driveway is not located in a controlled access area;
  - (3) The proposed driveway is the lesser of 100 feet or 60 percent of the frontage from the intersection; and
  - (4) The applicable ~~director~~ Director determines that the driveway does not create a public safety hazard.
- (D) The applicable ~~director~~ Director may require joint access to a major roadway for adjoining lots that have insufficient frontage to allow a driveway approach for each lot under the requirements of the Transportation Criteria Manual.

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## 23-9 F-1020 Minimum Frontage for Access for Planned or Newly Constructed Streets

- (A) In this section, “major roadway” means a roadway that is designated in the ~~transportation plan~~ Transportation Plan or in a roadway plan approved by the appropriate county.
- (B) A subdivision plat or a site plan may not provide a full-purpose driveway on a “major roadway” unless the applicable ~~director~~ Director approves an

engineering study submitted by the applicant's engineer that demonstrates a full-purpose driveway is safe based on geometric and traffic analyses.

- (C) If a full-purpose driveway is not approved under conditions in Subsection (B), a right-in, right-out driveway may be permitted if the applicable ~~director~~Director approves an engineering study submitted by the applicant's engineer that demonstrates a right-in, right-out driveway is safe based on geometric and traffic analyses.

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## 23-9F-1030 Property Subject to Condemnation

On the request of a condemning authority or property owner before acquisition of a right-of-way occurs, the applicable ~~director~~ Director may modify the access requirements of this division and the Transportation Criteria Manual for a property that is subject to right-of-way condemnation if the modification does not create a public safety hazard or have an adverse effect on traffic operation.

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## 23-9 F-1040 Joint-Use Driveways

- (A) In this division, joint-use driveway means a driveway located entirely or partially on a tract of land that is available for use by an adjoining tract of land as ingress or egress to a public street.
- (B) Vehicular access to a tract of land through a joint-use driveway is permitted as an alternative to direct access to an abutting public or private street.
- (C) A joint-use driveway used as alternative access for a single-family residential use may serve not more than eight dwelling units.



# Article 23-9G: Transportation Demand Management

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## Contents

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### ~~Division 23-9G-1: Transportation Demand Management~~

~~23-9G-1010 Purpose~~

~~23-9G-1020 Applicability~~

~~23-9G-1030~~

~~———— Requirement~~

~~s~~

~~23-9G-1040 Monitoring, Reporting, and~~

~~Compliance 23-9G-1050 Fees~~

~~23-9G-1060 Program Standards~~

**Division 23-9G-1: Transportation Demand Management**

23-9G-1010 Purpose ..... 1  
23-9G-1020 Applicability ..... 1  
23-9G-1030 Requirements ..... 1  
23-9G-1040 Monitoring, Reporting, and Compliance ..... 2  
23-9G-1050 Program Standards ..... 2



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# Division 23-9G-1: Transportation Demand Management

## Contents

<del>23-9G-1010 Purpose</del> .....	<del>1</del>
<del>23-9G-1020 Applicability</del> .....	<del>1</del>
<del>23-9G-1030 Requirements</del> .....	<del>1</del>
<del>23-9G-1040 Monitoring, Reporting, and Compliance</del> .....	<del>2</del>
<del>23-9G-1050 Fees</del> .....	<del>2</del>
<del>23-9G-1060 Program Standards</del> .....	<del>2</del>

<del>23-9G-1010 Purpose</del> .....	<del>1</del>
<del>23-9G-1020 Applicability</del> .....	<del>1</del>
<del>23-9G-1030 Requirements</del> .....	<del>1</del>
<del>23-9G-1040 Monitoring, Reporting, and Compliance</del> .....	<del>2</del>
<del>23-9G-1050 Program Standards</del> .....	<del>2</del>

## 23-9G-1010 Purpose

The Transportation Demand Management (TDM) Program set forth in this division requires projects subject to its requirements to incorporate design features, incentives, and tools to encourage residents, tenants, employees, and visitors to travel by sustainable transportation modes, such as transit, walking, ride-sharing, and biking, thereby reducing vehicle trips associated with these developments. The goals of the TDM Program are to help ease/manage congestion as Austin grows, and to promote better mobility, environmental, health, and safety outcomes, consistent with local policies.  
~~environmental, health, and safety outcomes, consistent with local policies.~~

## 23-9 G-1020 Applicability

- (A) Except as provided in Subsection (B), Division 23-9G-1 (Transportation Demand Management) shall apply to any ~~Development Project~~development that results in at least 300 daily trips or optionally any ~~Development Project~~development generating under 300 daily trips.
- (B) Depending on the development size, an applicant may choose to use a standardized TDM plan outlined by the City and documented in the Transportation Criteria Manual.
- (C) When determining whether a ~~Development Project~~development shall be subject to the TDM Program, the ~~Development Project~~development shall be considered in its entirety. ~~A Development Project~~A development shall not seek multiple applications for building permits to evade the applicability of the TDM Program.

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23-9

### G-1030 Requirements

- (A) An applicant shall submit a proposed TDM Plan along with the ~~Development Project's development's~~ first site plan application. The proposed TDM Plan shall document the ~~Development Project's development's~~ proposed compliance with this ~~Article article~~ and the TDM Program Standards in the Transportation Criteria Manual.
- (B) The proposed TDM Plan shall be reviewed in conjunction with the approval of the first site plan application for the ~~Development Project development~~.

- (C) Compliance with the TDM Program, including compliance with a finalized TDM Plan, shall be included as a Condition of Approval of the ~~Development Project development~~. Compliance with the TDM Program may not be waived, reduced, or adjusted.
- (D) Upon application of a property owner, after a TDM Plan is finalized and the associated building or site permit has been issued, a ~~Development Project's development's~~ TDM Plan may be modified in accordance with procedures and standards in the TDM\_ Program Standards.

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## 23-9 G-1040 Monitoring, Reporting, and Compliance

- ~~(A)~~ Prior to issuance of a certificate of occupancy of any type, the property owner shall facilitate a site inspection by the ~~applicable director's~~ Director's department staff to confirm ~~-that\_~~ all approved physical improvement measures in the ~~Development Project's development's~~ TDM Plan have been implemented and/or installed. The ~~property owner~~ applicant shall also provide
  - ~~(A)~~ documentation that all approved programmatic measures in the ~~Development Project's development's~~ TDM Plan will be implemented. The process and standards for determining compliance shall be specified in the TDM Program Standards.
  - (B) Throughout the life of the ~~Development Project development~~, the property owner\_ shall:
    - (1) Maintain a TDM ~~coordinator~~ Coordinator, as defined in the TDM Program Standards, who shall coordinate with the City on the ~~Development Project's development's~~ compliance with its approved TDM Plan.
    - (2) Allow City ~~staff~~ Staff access to the relevant portions of the property to conduct site visit, surveys, inspection of physical improvements, and/or other empirical data collection, and facilitate in-person, phone, and /or e-email or web-based interviews with residents, tenants, employees, and/or visitors. City ~~staff~~ Staff shall provide advance notice of any request for access and shall use all reasonable efforts to protect personal privacy during visits and in the use of any data collected during this process.
    - (3) Submit periodic compliance reports to the ~~applicable director's department~~ Transportation Department, as required by the TDM Program Standards.
  - (C) Non-Compliance: Failure to comply with the approved TDM Plan will result in annual fine, as documented in the TDM Program Standards.

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## ~~22-8~~ G-1050 Fees

- ~~( )~~ ~~Transportation Demand Management Program fees. The fee for review of a Development Project's Transportation Demand Management Plan is documented in the Transportation Criteria Manual.~~

## ~~23-1323-9~~ ~~G-1060~~ Program Standards

- (A) ~~The Transportation Demand Management Program Standards, or~~ The TDM Program Standards, shall be documented in the Transportation Criteria -Manual.
- (B) The applicable ~~director's~~ Director's department shall ~~update~~ review the TDM Program Standards ~~from time to time~~ at a minimum of every 5 years, and provide updates as needed to reflect best practices in the field of Transportation Demand Management.

~~(G)(C)~~ When updating the TDM Program Standards, the ~~applicable director's department~~Transportation Department shall consider the purpose of the TDM Program, as documented in the Section 23-9G-1010 (~~Purpose section of this Article.~~).

# Article 23-9H: Street Layout

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## Contents

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### Division 23-9H-1: Connectivity

<u>23-9H-1010 Applicability .....</u>	<u>1</u>
<u>23-9H-1020 Street Layout and Alignment .....</u>	<u>1</u>
<u>23-9H-1030 Access Streets .....</u>	<u>1</u>
<u>23-9H-1040 Dead End Streets .....</u>	<u>2</u>
<u>23-9H-1050 Block Length .....</u>	<u>3</u>
<u>23-9H-1060 Through Lots and Alleys .....</u>	<u>4</u>



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# ~~Article 23-9H: Connectivity~~

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## ~~Contents~~

### ~~Division 23-9H-1: Connectivity~~

~~23-9H-1010—Applicability~~

~~23-9H-1020—Street Alignment and  
Connectivity 23-9H-1030—Dead-End  
Streets~~

~~23-9H-1040—Block Length~~

~~23-9H-1050—Subdivision and Site Plan Access~~

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# Division 23-9H-1: Connectivity

## Contents

<del>23-9H-1010</del> <del>Applicability</del> .....	<del>1</del>
<del>23-9H-1020</del> <del>Street Alignment and Connectivity</del> .....	<del>1</del>
<del>23-9H-1030</del> <del>Dead End Streets</del> .....	<del>1</del>
<del>23-9H-1040</del> <del>Block Length</del> .....	<del>1</del>
<del>23-9H-1050</del> <del>Subdivision and Site Plan Access</del> .....	<del>2</del>

<del>23-9H-1010</del> <del>Applicability</del> .....	<del>1</del>
<del>23-9H-1020</del> <del>Street Layout and Alignment</del> .....	<del>1</del>
<del>23-9H-1030</del> <del>Access Streets</del> .....	<del>1</del>
<del>23-9H-1040</del> <del>Dead End Streets</del> .....	<del>2</del>
<del>23-9H-1050</del> <del>Block Length</del> .....	<del>2</del>
<del>23-9H-1060</del> <del>Through Lots and Alleys</del> .....	<del>4</del>

## 23-9 H-1010 Applicability

This article applies to land for which an owner files an application for:

- (A) Zoning or rezoning;
- (B) Preliminary plan or final plat approval; ~~or~~
- (C) Site plan approval; ~~or~~
- (D) A minor revision of an approved site plan; ~~or~~

## 23-9 H-1020 Street Layout and Alignment ~~and Connectivity~~

### (A) Layout

- (1) The arrangement of streets shall provide for the alignment and continuation of existing or proposed streets into adjoining lands where the adjoining lands are undeveloped and intended for future development, or where the adjoining lands are developed and include opportunities for such connections.
- (2) Thoroughfare rights-of-way shall be extended to or along adjoining property boundaries to provide a roadway connection or thoroughfare stub for development.
- (3) The site plan shall identify all stubs for streets and include a notation that all stubs are intended for connection with future streets on adjoining undeveloped property.

### (B) Alignment

- (A)(1) Streets shall be aligned with and connect to existing streets on adjoining properties unless the Land Use Commission determines that the Comprehensive

~~Plan, topography, requirements of traffic circulation, environmental features, or other considerations make it desirable to depart from the alignment or connection.~~

~~(B)(2)~~ Streets shall be stubbed to adjoining properties when connection is not possible.

~~(3) A stubbed out street shall include signage indicating it is a location of a future street extension.~~

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## ~~23-9~~ ~~H-1030~~ ~~Dead-End Access Streets~~

- ~~(-) A street shall not terminate in a dead end street unless the director determines that the requirements of Subsection (C) are met.~~
- ~~(-) Land Use Commission approval is required for a dead end street more than 1,320 feet long.~~
- ~~(-) The director may approve a dead end street described in the Transportation Criteria Manual if the director determines that topography, density, or unusual conditions necessitate a different design and adequate multi-modal traffic circulation is provided.~~

---

## ~~22-8~~ ~~H-1040~~ ~~Block Length~~

- ~~(-) A block shall not exceed 660 feet in length, except as provided in this section.~~

- ~~(-) A residential or commercial use block that is parallel and adjacent to a major roadway, as determined by the applicable director, may be up to 1,320 feet in length, and;~~
- ~~(-) Any block that is more than 660 feet in length must be transected by a pedestrian path that is located not less than 300 feet from each block end. The pedestrian path must be not less than ten (10) feet wide, comply with City standards for a sidewalk or urban trail, and be located within an easement or right-of-way, as determined by the director, that is not less than 15 feet wide. The director may modify this requirement if the director determines that the pedestrian path cannot comply with the Americans with Disabilities Act.~~
- ~~(-) An industrial use block may be up to 2,000 feet in length if adjacent to major roadway and the director determines that there is adequate multi-modal traffic circulation and utility service.~~
- ~~(-) The director may waive a block length restriction if the director determines that the proposed block length adequately meets the requirements of multi-modal traffic circulation, utility service, topography, and the Comprehensive Plan.~~
- ~~(-) An applicant may appeal the director's denial of a waiver under this section to the Land Use Commission.~~

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## ~~23-9~~ ~~H-1050~~ ~~Subdivision and Site Plan Access~~

- ~~(F)(A)~~ Except as otherwise provided in this section:

Connectivity

- (1) A ~~new~~ subdivision or site plan shall have at least two public points of access streets, ~~and~~
  - (2) Each point of the two access streets shall connect to a different external street, ~~or stubbed out to adjacent properties, and~~
  - ~~(0) A stubbed out street will include signage indicating this is a location of a future street extension.~~
- ~~(A)~~(B) A subdivision or site plan may have only one point of access street if the Director determines that:
- (1) The access street provides access to not more than 30 dwelling units;
  - (2) The subdivision ~~has an~~ site plan provides additional pedestrian and bike access; ~~and~~
  - (3) The access street has a paved width of at least 26 feet and is not more than 1,200 feet in length.
- ~~(W)~~(C) A single access street may be longer than 2,000 feet and serve more than 30 dwellings if the access street:
- (1) Does not cross an area with a high wildland fire protection rating, as determined in accordance with the Austin-Travis County Community Wildfire Protection Plan, dated October 17, 2014, and adopted on November 6, 2014, as amended, and
  - (2) Does not cross a low water crossing; and
  - (3) Does not contain slopes in excess of 10%.
- ~~(X)~~(D) A ~~new~~ subdivision or site plan may have only one point of access street if the Director determines that providing more than one access street is undesirable, unnecessary, or impractical after considering:
- (1) Traffic safety;



~~(3)(2)~~ Flood and fire safety; and

~~(4)(3)~~ The environmental effect of a cut or fill, waterway crossing, or other surface disturbance necessary to provide more than one access street.

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## **23-9 H-1040 Dead End Streets**

- (A) Dead end streets are not allowed, except when topography, natural features or unusual conditions make connection infeasible, as determined by the Director.
- (B) Dead end streets allowed by the Director shall meet the following standards:
  - (1) Shall be no longer than 300 feet; and
  - (2) Shall include a central planted median; and
  - (3) Shall include at least one public multi-use trail easement between each cul-de-sac head or road turnaround and the sidewalk system of the closest adjacent road or public pathway. The multi-use trail easement shall be a minimum width of 12 feet, and shall be limited to pedestrians, bicycles and similar non-motorized users.

**23-9 H-1050 Block Length**

(A) Individual block faces and the total block perimeter shall comply with the standards established in Table 23-9H-1050(A) (Block Shape and Size).

<u>Table 23-9H-1050(A): Block Shape and Size</u>		
<u>Zoning Districts</u>	<u>Face length max</u>	<u>Perimeter max</u>
<u>Regional Center Zones</u>	<u>350'</u>	<u>1400'</u>
<u>Main Street, Mixed-Use, Residential Multi-Unit, Residential House- Scale (R4) Zones</u>	<u>600'</u>	<u>1600'</u>
<u>Residential House-Scale (R1, R2, R3) Zones</u>	<u>900'</u>	<u>2400'</u>
<u>Commercial, Industrial, Residential House-Scale (RR,LA) Zones</u>	<u>1320'</u>	<u>5000'</u>

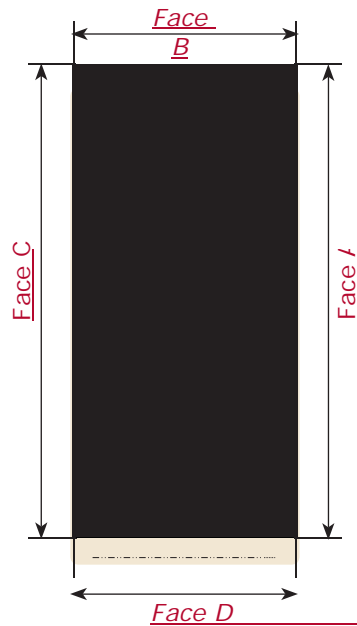


Figure 23-9H-1050(1): Regularly-shaped block

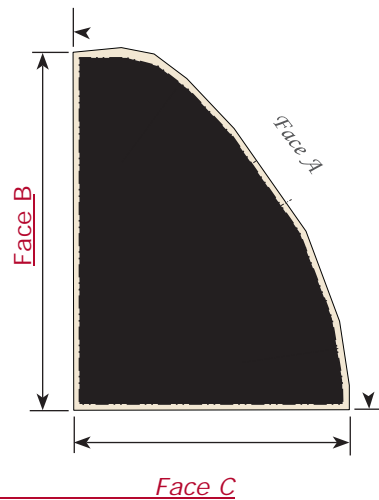


Figure 23-9H-1050(2): Irregularly-shaped block

(B) If a block contains multiple zones, the most intense zone shall be used to establish the requirements for block size.

(C) Irregularly-shaped blocks shall meet the overall perimeter established in Table 23-9H-1050(A) Block Shape and Size.

(D) Any block that is more than 660 feet in length must be transected by a public multi-use trail easement that is located not less than 300 feet from each block end. The easement shall be a minimum width of 12 feet, and shall be limited to pedestrians, bicycles and similar non-motorized users.

(E) The Director may modify a the restrictions in Table 23-9H-1050(A) if the proposed design adequately meets the requirements of multi-modal traffic circulation, utility service, topography, and the Comprehensive Plan.

(F) Exemptions from Maximum Block Size.

Sites on a Hill Country Roadway. Compliance with this Subsection is not required for the block front adjacent to a Hill Country Roadway to be divided in a manner inconsistent with Section 23-4D-7060 (Hill Country Roadway Overlay Zone) or state highway access spacing requirements.

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## **23-9H-1060 Through Lots and Alleys**

(A) Through Lots

(1) A through lot in a Low to Medium Density residential zone is not permitted, unless access to one of the abutting streets is prohibited.

(2) If a through lot abuts an arterial, access to the arterial is prohibited unless the Director determines that topography or property size justify access to the arterial.

(B) Alleys. Except for flag lots, alleys or rear-lanes are required on lots narrower than 50 feet in developments over two acres. The Director may modify this requirement if adequate off-street parking is provided for the lots.

# Article 23-9I: Road Utility Districts

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## Contents

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### **Division 23-9I-1: Approval of Petition**

~~23-9I-1010—Applicability~~

~~23-9I-1020—Pre-Application~~

~~Process 23-9I-1030—Contents of  
Petition~~

~~23-9I-1040—Conditions for~~

~~Approval 23-9I-1050—Review  
Process~~

~~23-9I-1060—City Council Review and Action~~

~~23-9I-1070—Annexation Petitions & Petitions for Construction of Facilities Outside the Road Utility~~

~~District~~

### **Division 23-9I-2: Construction of Facilities**

~~23-9I-2010—Submittal of Construction Plans~~

~~23-9I-2020—Approval of Bond-Financed~~

~~Activities 23-9I-2030—Construction  
Inspection~~

~~23-9I-2040—Notice of Conveyance~~

~~23-9I-2050—Representation by City Manager~~

**Division 23-91-1: Approval of Petition**

23-91-1010 Applicability ..... 1

23-91-1020 Pre-Application Process ..... 1

23-91-1030 Contents of Petition ..... 2

23-91-1040 Conditions for Approval ..... 2

23-91-1050 Review Process ..... 2

23-91-1060 City Council Review and Action ..... 3

23-91-1070 Annexation Petitions & Petitions for Construction of Facilities Outside the Road  
Utility District ..... 3

**Division 23-91-2: Construction of Facilities**

23-91-2010 Submittal of Construction Plans ..... 1

23-91-2020 Approval of Bond-Financed Activities ..... 1

23-91-2030 Construction Inspection ..... 1

23-91-2040 Notice of Conveyance ..... 2

23-91-2050 Representation by City Manager ..... 2

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# Division 23-9I-1: Approval of Petition

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## Contents

23-9I-1010	Applicability	1
23-9I-1020	Pre-Application Process	1
23-9I-1030	Contents of Petition	2
23-9I-1040	Conditions for Approval	2
23-9I-1050	Review Process	2
23-9I-1060	City Council Review and Action	3
23-9I-1070	Annexation Petitions and Petitions for Construction of Facilities Outside the Road-Utility District	3

---

23-9I-1010	Applicability	1
23-9I-1020	Pre-Application Process	1
23-9I-1030	Contents of Petition	2
23-9I-1040	Conditions for Approval	2
23-9I-1050	Review Process	2
23-9I-1060	City Council Review and Action	3
23-9I-1070	Annexation Petitions & Petitions for Construction of Facilities Outside the Road Utility District 3	

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## 23-9 I-1010 Applicability

- (A) This ~~division~~Division applies to a petition by a proposed road utility district for approval or modification of a preliminary plan for a road facility that the district intends to convey to the City or to a county in the City's extraterritorial jurisdiction.
- (B) A road utility district under Subsection (A) is a district created under Article III, Section 52 of the Texas Constitution and Chapter 441 of the Transportation Code.

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## 23-9 I-1020 Pre-Application Process

- (A) An applicant shall notify the ~~city manager~~City Manager, in writing, of the applicant's intent to file a petition at least 30 days before filing the petition with the City. If an applicant intends to convey facilities to a county rather than to the City, the applicant shall notify the ~~city manager~~City Manager, in writing, at least 30 days before filing the petition with the county. Notice under this section is effective on receipt by the ~~city manager~~City Manager.
- (B) If the applicant intends to convey facilities to a county rather than to the City, the applicant must submit the information required by the ~~Administrative~~Administrative Criteria Manual along with the notice filed under Subsection (A).

- (C) The ~~city manager~~City Manager shall schedule a meeting with the applicant, City staff, and representatives of the county in which the road utility district will be established to discuss the applicant's preliminary plan and the City's requirements for approval. The meeting may not be scheduled for a date later than the 10th day after the ~~city manager~~City Manager receives notification under Subsection (A).
- (D) Except as otherwise determined by the ~~city manager~~City Manager, the City shall not accept the petition before the 31st day after receiving notice of the applicant's intent to file a petition.

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## 23-9 I-1030 Contents of Petition

- (A) The applicant shall file with the ~~city manager~~City Manager a petition and the additional documents required by the ~~Administrative~~applicable Criteria Manual.
- (B) The statutory review period established by state law begins when the ~~city manager~~City Manager determines that an application is complete.
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## 23-9 I-1040 Conditions for Approval

- (A) The council may approve a petition filed under Section ~~23-6120-6J~~-103 (Contents Of Petition) if:
- (1) ~~the~~The preliminary plan is consistent with the Transportation Plan;
  - (2) ~~proposed~~Proposed road construction and improvements comply with City requirements for roadways and drainage;
  - (3) ~~the~~The construction and improvement of roadways comply with the general land use plan for the proposed road utility district that is consistent with the Austin Comprehensive Plan and this title;
  - (4) ~~the~~The roadway project complies with the City's policies relating to archaeological site preservation, watershed protection, and other environmental policies in the Austin Comprehensive Plan and this title;
  - (5) ~~a~~A preliminary plan demonstrates the applicant's financial ability to complete construction of a proposed roadway; and
  - (6) ~~if~~If a preliminary plan proposes to convey an existing roadway or roadway under construction to the City, the plan demonstrates that the roadway will be subject to construction plan review and inspection by the City during construction.
- (B) At or before the time an application is filed, property owners in a proposed road utility district must:
- (1) ~~petition~~Petition the City for limited or full purpose annexation, at the City's option, if the road utility district adjoins the City boundary; or
  - (2) ~~if~~If the road utility district is in the City's two mile extraterritorial jurisdiction at the time of application, agree to petition for annexation at the time the road utility district becomes contiguous to the City boundary.
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## 23-9 I-1050 Review Process

- (A) The ~~city manager~~City Manager shall forward a copy of the petition to appropriate departments and to the:
- (1) Urban Transportation Commission;
  - (2) Environmental Commission; and
  - (3) Planning Commission.
- (B) A department that receives a copy of a petition from the ~~city manager~~City

| Manager shall submit a report on the petition to the ~~city manager~~City Manager not later than the 30th day after the date the petition is filed with the City.

- (C) Each board and commission identified in Subsection (A) shall review the petition and provide a recommendation on the petition to the ~~city-manager~~City Manager.
- (D) After receiving recommendations from the boards and commissions, the ~~city-manager~~City Manager shall request the council to set a public hearing to consider the petition.
- (E) The ~~council~~Council shall set the public hearing during a regularly scheduled meeting of the ~~council~~Council.

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### 23-91-1060 City Council Review and Action

The ~~council~~Council shall approve or deny a petition before the expiration of the statutory review period. Council's approval of a petition is conditioned on execution of a consent agreement by the City and by the petitioner as representative of each owner of property in the proposed road utility district. The consent agreement must require the road utility district to submit to the ~~city-manager~~City Manager, after creation, a list of ~~directors~~Directors and an annual report of road utility district activities.

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### 23-9 I-1070 Annexation Petitions ~~and~~& Petitions for Construction of Facilities Outside the Road Utility District

- (A) A petition for annexation of land by a road utility district and a petition to construct or improve a roadway facility outside of the road utility district is subject to the review procedure established by this division.
- (B) Except as provided in Subsection (C), a petition described under Subsection (A) is subject to the criteria in ~~Section~~Division 23-91-1049E-4 (Conditions ~~For~~For Approval of Development Applications).
- (C) The ~~council~~Council may shorten the time period for consideration of a petition.

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# Division 23-91-2: Construction of Facilities

## Contents

<del>23-91-2010</del> Submittal of Construction Plans.....	1
<del>23-91-2020</del> Approval of Bond-Financed Activities.....	1
<del>23-91-2030</del> Construction Inspection.....	1
<del>23-91-2040</del> Notice of Conveyance.....	2
<del>23-91-2050</del> Representation by City Manager.....	2

<del>23-91-2010</del> Submittal of Construction Plans.....	1
<del>23-91-2020</del> Approval of Bond-Financed Activities.....	1
<del>23-91-2030</del> Construction Inspection.....	1
<del>23-91-2040</del> Notice of Conveyance.....	2
<del>23-91-2050</del> Representation by City Manager.....	2

## 23-9 I-2010 Submittal of Construction Plans

- (A) If the City approves a preliminary plan and agrees to accept the conveyance of facilities after construction, the road utility district shall submit construction plans ~~conforming to the requirements in the Administrative Criteria Manual~~ to the applicable ~~director~~Director for review at least 45 days before construction begins.
- (B) The applicable ~~director~~Director shall schedule a meeting between City ~~staff members~~Staff and ~~road utility district representatives~~Road Utility District Representatives not later than the 15th day after receipt of the construction plans to discuss the proposed construction plans and requirements for City approval.

## 23-9 I-2020 Approval of Bond-Financed Activities

- (A) Before constructing a facility that is financed by bonds issued under or other state law, the road utility district shall submit construction plans to the applicable ~~director~~Director for approval.
- (B) The applicable ~~director~~Director shall provide the ~~road utility district~~Road Utility District with written comments that assess the degree to which the plans comply with the requirements of this article.
- (C) The ~~road utility district~~Road Utility District shall make the corrections as requested by the applicable ~~director~~Director and shall submit four sets of revised plans for review by the applicable ~~director~~Director.
- (D) The applicable ~~director~~Director shall approve the plans if the plans comply with the City specifications.

- (A) After approval of construction plans, but before commencement of construction, representatives of the ~~road utility district~~Road Utility District shall meet with the ~~applicable director~~Director to discuss inspection by the City during the construction process.
- (B) City ~~employees~~Staff shall make periodic visits to the construction site to observe the progress and quality of the work and to determine if that the work is proceeding according to the plans and specifications. The ~~applicable director~~Director may review all laboratory, shop, and mill tests of materials conducted by the road utility district at any time.
- (C) If the work does not comply with the construction plans, the applicable Director shall give notice of the failure to comply to the Road Utility District. The applicable Director may



- ~~(C) If the work does not comply with the construction plans, the applicable director shall give notice of the failure to comply to the road utility district. The applicable director may give notice that approval of the construction plans may be suspended and appropriate enforcement actions taken unless the work is brought into compliance within a specific period.~~
- (D) The ~~road utility district~~Road Utility District shall retain the services of a firm experienced in construction inspection and quality control. The ~~applicable director~~Director must approve the scope of services to be performed by the firm.
- (E) The scope of services must:
- (1) Include at least one qualified resident construction inspector;
  - (2) Require quality control testing of materials and installations that meets the minimum requirements for sampling and testing established by the Texas Department of Transportation; and
  - (3) Require that quality control testing include job control tests and record tests.

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## 23-91-2040 Notice of Conveyance

The ~~road utility district~~Road Utility District shall give written notice to the City of its intent to convey a completed facility. The notice shall be given not later than the 10th day before the date of a public hearing before the road utility district board of ~~directors~~Directors, to determine if the facility is completed as specified in the ~~road utility district's~~Road Utility District's approved plan.

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## 23-9 I-2050 Representation by City Manager

- (A) The ~~city manager~~City Manager shall represent the City before the Texas Transportation Commission in all proceedings authorized or required by applicable state law.
- ~~(A)~~(B) The ~~city manager~~City Manager shall represent the City in proceedings before the ~~road utility district~~Road Utility District related to conveying facilities by the ~~road utility district~~Road Utility District.