

Transportation



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23-9A-1010 Intent

- (A) The Vision of the Transportation Chapter is to provide guidance for transportation that help 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,
 - (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.

23-9A-1020 Subdivisions in Travis County Portion 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.

23-9A-1030 Variances

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

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

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

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23-9B-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) 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.

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-1040 Proportionality Of Required Infrastructure

Section A will discuss the requirement for the applicant's costs for offsite infrastructure improvements be roughly proportionate, per state law, to the project's impact on the transportation network.

Section B will discuss the role of the director to issue a written determination of the applicant's roughly proportionate share of infrastructure costs prior to approval of an application.

Section C will discuss the role of the director to issue a written list of all required infrastructure improvements prior to approval of an application.

Section D will discuss the role of the director to adopt administrative guidelines and requirements for applicants to aid in making proportionality determinations and identifying required infrastructure improvements .

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

23-9B-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 may not erect a structure or make an improvement in a reserved right-of-way.

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

Section B will discuss the extent and location of dedication or reservation be in conformance with the Transportation Plan.

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

Section D will discuss the director's ability to defer dedication and reservation from one stage of development process to a later one.

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

23-9B-1060 Constructing A Structure Or Improvement 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.

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

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

23-9B-1080 Alignment

- (A) The Transportation 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, and the existence of a flood plain.
- (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) 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) 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.

23-9B-1090 Appeal Of Director's Decision For Dedication 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).

Article 23-9C: Transportation Impact Analysis and Mitigation

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Division 23-9C-1: Offsite Transportation Improvements

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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.

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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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 Traffic Impact Analysis Required

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.

23-9C-2030 Neighborhood Traffic Impact Analysis Described

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

23-9C-2040 Neighborhood Traffic Impact Analysis Required

Section A will discuss the threshold for requiring a traffic impact analysis.
Section B will discuss the requirement for an applicant to conduct a traffic count for streets affected by a proposed development.
Section C will define a residential, local, and collector street.
Section D will discuss how planned unit development zoning is considered.

Section E will discuss how street segments are considered.

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

23-9C-2050 Qualitative Active Mode Analysis For Development Projects

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 Standards For Traffic Impact Analysis

Section A will discuss the role of the director to determine the geographic area and scope to be included in a traffic impact analysis.

Section B will discuss the requirement of a traffic impact analysis to be performed under the supervision of a professional engineer registered in the State of Texas.

Section C will discuss the role of the director to determine whether a traffic impact analysis has met requirements of this article.

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.

Section E will discuss the requirement for a traffic impact analysis to be signed and sealed by a professional engineer registered in the State of Texas who has supervised the study.

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

23-9C-2070 Waiver Authorized

Section A will discuss the role of the director to determine waive the requirement to submit a traffic impact analysis.

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

Section C will discuss the need to mitigate adverse impacts from a proposed development even if a waiver is granted.

Section D will discuss the need for impacts from a proposed development with a waiver granted not create unacceptable operating conditions or endanger public safety.

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

Division 23-9C-3: Approval Process

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23-9C-3010 Action On Application

Section A will discuss the role of council or director to deny a development application if it is shown to create unacceptable operating conditions or endanger public safety.

Section B will discuss the role of council or director to deny a development application if it is shown to exceed desirable operating conditions or endanger public safety.

Section C will discuss the role of council to approve a zoning application that would otherwise be denied under Section B.

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

23-9C-3020 Application Modification Based On Traffic Analysis

This section will discuss the ability for an applicant to modify a development application to reduce traffic impacts identified in a traffic impact analysis or neighborhood traffic analysis.

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

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.

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Article 23-9D: Street Design

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23-9D-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 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, or applicable 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.

23-9C-1030 Street Signs

- (A) The installation and location of a street sign is determined by the most recent version of the Texas Manual on Uniform 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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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.

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.

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.

23-9D-2040 **Modifications To Street Design**

The applicable director may 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 director that assesses the adequacy with which a proposed alternative design deals with storm water drainage, traffic safety, and general public welfare;
- (B) The applicant's written statement in support of the modification; and
- (C) 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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23-9E-1010 License Required

- (A) A person must establish that a person is qualified to construct, alter, remove, or repair a sidewalk, curb, gutter, driveway approach, street pavements, medians, or pedestrian 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.

23-9E-1020 Application; Bond

- (A) To obtain a right-of-way construction license, a person must submit an application to the applicable 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 and in an amount established by the applicable 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 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.

23-9E-1030 License Approval Standard

The applicable director may approve a license if:

- (A) The applicable 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.

23-9E-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.

23-9E-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 reinstates or renews the license or issues a new license.
- (C) The applicable 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

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23-9E-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, or remove a sidewalk, curb, gutter, median, pavement, driveway approach, pedestrian way, or any other facility in the public right-of-way; or
 - (2) Remove a tree from public right-of-way; or
 - (3) Temporarily use the right of way to:
 - (a) Block, direct, impede, or reroute pedestrian and vehicular traffic; or
 - (b) 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.)
 - (4) Conduct Grading, or excavation as defines by chapter 14-11-161 (refer to Article 2 Division 3, Excavation in Right of Way)
- (B) A separate permit is required for each lot, tract of land, or street block on which activity described in Subsection (A) occurs.
- (C) 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
 - (b) The proposed construction occurs at the time that construction of the street and drainage systems occurs; or
 - (3) Is a minor repair or construction, as determined by the applicable director; or
 - (4) Will be performed by a public utility or franchise holder.
- (D) A person may not transfer or assign a permit issued under this division.

23-9E-2020 Application

To obtain a right-of-way permit, a licensed contractor must file an application with the applicable director in accordance with Chapter 14-11.

23-9E-2030 Permit For Driveway Approach

- (A) Except as provided in Subsection (C), the applicable director may approve a driveway approach unless the applicable 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 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 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.
- (D) A person 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 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).

23-9E-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.

23-9E-2050 Automatic Revocation

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

23-9E-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, or a tree in a pedestrian way; and
 - (2) The permittee did not obtain consent of the owner of the utility service, drainage facility, public structure, traffic signal system, or pedestrian way before performing the construction activity.
- (B) The applicable 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; or
 - (3) Repaired the damage to the satisfaction of the owning entity.

23-9E-2070 Enforcement

The applicable 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 determines that the permittee has violated the terms of the permit.
- (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

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23-9E-3010 Compliance Required

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

23-9E-3020 Design and Construction Standards

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

23-9E-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 may require the permittee to set line and grade stakes under the direct supervision of a registered public surveyor or professional engineer registered in the State of Texas.

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

- (A) The applicable 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 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.

23-9E-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.

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

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

23-9E-3070 Inspection Procedures

The applicable 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 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 subgrade before a final course of material is placed; and
- (B) Phase 2 inspection: final inspection of construction, including cleanup.
- (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 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.

23-9E-3080 Roadway Maintenance

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

23-9E-3090 Driveway Maintenance

The person owning any property abutting a driveway approach shall be responsible for repair and maintenance of the driveway approach consistent with appropriate and applicable standards for construction in the public right-of-way.

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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23-9E-4010 Existing Driveway

The applicable 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.

23-9E-4020 Driveway Closing and Curb Construction

- (A) Based on the criteria of Transportation Criteria Manual, the applicable director may:
 - (1) Require a driveway closing or curb or sidewalk construction as a condition of approval of an administrative site plan or site plan exemption; or
 - (2) Recommend that driveway closing or curb or sidewalk construction be required as a condition of zoning or rezoning.
- (B) The applicable 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.

23-9E-4030 Alleyways

- (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.
- (B) The applicable 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, rezoning, site plan, or building permit approval.

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Division 23-9E-5: Sidewalks & Urban Trails

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

Section A will discuss the Installation and reconstruction of sidewalks/curb ramps and urban trails for subdivisions.

Section B will discuss the inclusion of proposed and existing sidewalks and urban trails in preliminary subdivision plan and final plat.

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

23-9E-5020 Sidewalk 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.

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

This section will discuss the installation and reconstruction of sidewalks/curb ramps and urban trails for building/relocation permits.

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

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

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 sidewalks and/or urban trails.

Section C will discuss the fee amount for sidewalks and/or urban trails.

Section D will discuss where the fees for sidewalks and/or urban trails can be used (ie service areas).

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.

23-9E-5050 Sidewalk Requirements

The classifications of roadway types in this section will be coordinated through the Transportation Plan.

- (A) In order to create an environment that is supportive of pedestrian and transit mobility, public sidewalks shall be located along both sides of all Core Transit Corridors in accordance with the requirements of this section.
 - (1) Compliance with this section is required for all sites with frontage along a Core Transit Corridor 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) 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.
 - (3) 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.
 - (4) 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.
- (B) 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:
 - (1) Planting Zone:
 - (i) 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.
 - (ii) 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.
 - (iii) 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.
 - (2) Clear Zone:

- (i) 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.
 - (ii) 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.
- (C) 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.
 - (2) 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.
- (D) 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.
 - (2) Where required, the sidewalk shall extend onto private property to fulfill the 12-foot minimum requirement, with a sidewalk easement provided.
- (E) 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.
 - (ii) 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.
 - (2) 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.
 - (ii) The clear zone shall be unobstructed for a minimum width of five feet and a minimum height of eight feet.
- (F) 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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Division 23-9F-1: Access to Major Roadways

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

- (A) In this section, “major roadway” means a roadway that is designated in the 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 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 determines that the driveway does not create a public safety hazard.
- (D) The applicable 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.

23-9F-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 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 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 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.

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 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.

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

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23-9G-1010 Purpose

The 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 congestion as Austin grows, and to promote better environmental, health, and safety outcomes, consistent with local policies.

23-9G-1020 Applicability

- (A) Except as provided in Subsection (B) shall apply to any Development Project that results in at least 300 daily trips or optionally any Development Project 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 shall be subject to the TDM Program, the Development Project shall be considered in its entirety. A Development Project shall not seek multiple applications for building permits to evade the applicability of the TDM Program.

23-9G-1030 Requirements

- (A) An applicant shall submit a proposed TDM Plan along with the Development Project's first site plan application. The proposed TDM Plan shall document the Development Project's proposed compliance with this 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.

- (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. 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 TDM Plan may be modified in accordance with procedures and standards in the TDM Program Standards.

23-9G-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 department staff to confirm that all approved physical improvement measures in the Development Project's TDM Plan have been implemented and/or installed. The property owner shall also provide documentation that all approved programmatic measures in the Development Project'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, the property owner shall:
 - (1) Maintain a TDM coordinator, as defined in the TDM Program Standards, who shall coordinate with the City on the Development Project's compliance with its approved TDM Plan.
 - (2) Allow City 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 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, 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.

23-9G-1050 Fees

- (A) 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.

23-9G-1060 Program Standards

- (A) The Transportation Demand Management Program Standards, or TDM Program Standards, shall be documented in the Transportation Criteria Manual.
- (B) The applicable director's department shall update the TDM Program Standards from time to time to reflect best practices in the field of Transportation Demand Management.

- (C) When updating the TDM Program Standards, the applicable director's department shall consider the purpose of the TDM Program, as documented in the Purpose section of this Article.

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Article 23-9H: Connectivity

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Division 23-9H-1: Connectivity

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23-9H-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.
- (D) A minor revision of an approved site plan;

23-9H-1020 **Street Alignment and Connectivity**

- (A) 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) Streets shall be stubbed to adjoining properties when connection is not possible.

23-9H-1030 **Dead End Streets**

- (A) A street shall not terminate in a dead end street unless the director determines that the requirements of Subsection (C) are met.
- (B) Land Use Commission approval is required for a dead-end street more than 1,320 feet long.
- (C) 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.

23-9H-1040 **Block Length**

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

- (B) 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;
- (C) 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.
- (D) 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.
- (E) 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.
- (F) An applicant may appeal the director's denial of a waiver under this section to the Land Use Commission.

23-9H-1050 Subdivision and Site Plan Access

- (A) Except as otherwise provided in this section:
 - (1) A new subdivision or site plan shall have at least two public access streets;
 - (2) Each of the two access streets shall connect to a different external street, or stubbed out to adjacent properties, and
 - (3) A stubbed out street will include signage indicating this is a location of a future street extension.
- (B) A subdivision or site plan may have only one 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 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.
- (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, and
 - (2) Does not cross a low water crossing; and
 - (3) Does not contain slopes in excess of 10%.
- (D) A new subdivision or site plan may have only one access street if the Director determines that providing more than one access street is undesirable, unnecessary, or impractical after considering:
 - (1) Traffic safety;

- (2) Flood and fire safety; and
- (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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Article 23-9I: Road Utility Districts

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23-9I-1010 **Applicability**

- (A) This 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.

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

- (A) An applicant shall notify the 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, 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.
- (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 Criteria Manual along with the notice filed under Subsection (A).
- (C) The 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 receives notification under Subsection (A).
- (D) Except as otherwise determined by the 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.

23-9I-1030 Contents of Petition

- (A) The applicant shall file with the city manager a petition and the additional documents required by the Administrative Criteria Manual.
- (B) The statutory review period established by state law begins when the city manager determines that an application is complete.

23-9I-1040 Conditions for Approval

- (A) The council may approve a petition filed under Section 23-6I-103 (Contents Of Petition) if:
 - (1) the preliminary plan is consistent with the Transportation Plan;
 - (2) proposed road construction and improvements comply with City requirements for roadways and drainage;
 - (3) the construction and improvement of roadways comply with the general land use plan for the proposed road utility district that is consistent with the Comprehensive Plan and this title;
 - (4) the roadway project complies with the City's policies relating to archaeological site preservation, watershed protection, and other environmental policies in the Comprehensive Plan and this title;
 - (5) a preliminary plan demonstrates the applicant's financial ability to complete construction of a proposed roadway; and
 - (6) 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 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 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;

23-9I-1050 Review Process

- (A) The 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 shall submit a report on the petition to the 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.
- (D) After receiving recommendations from the boards and commissions, the city manager shall request the council to set a public hearing to consider the petition.
- (E) The council shall set the public hearing during a regularly scheduled meeting of the council.

23-9I-1060 City Council Review and Action

The 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, after creation, a list of directors and an annual report of road utility district activities.

23-9I-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 23-9I-104 (Conditions For Approval).
- (C) The council may shorten the time period for consideration of a petition.

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23-9I-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 for review at least 45 days before construction begins.
- (B) The applicable director shall schedule a meeting between City staff members and 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.

23-9I-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 for approval.
- (B) The applicable director shall provide the 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 shall make the corrections as requested by the applicable director and shall submit four sets of revised plans for review by the applicable director.
- (D) The applicable director shall approve the plans if the plans comply with the City specifications.

23-9I-2030 Construction Inspection

- (A) After approval of construction plans, but before commencement of construction, representatives of the road utility district shall meet with the applicable director to discuss inspection by the City during the construction process.
- (B) City employees 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 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 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 shall retain the services of a firm experienced in construction inspection and quality control. The applicable 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.

23-9I-2040 Notice of Conveyance

The 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, to determine if the facility is completed as specified in the road utility district's approved plan.

23-9I-2050 Representation by City Manager

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