

# Chapter 23-8: Transportation

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## Contents

### Article 23-8A: General Provisions

---

#### Division 23-8A-1: Policy and Administration

- 23-8A-1010 Purpose and Applicability
  - 23-8A-1020 Review Authority
  - 23-8A-1030 Transportation Criteria Manual
  - 23-8A-1040 Administrative Modifications
  - 23-8A-1050 Setbacks and Building Lines
  - 23-8A-1060 Definitions
- 

#### Division 23-8A-2: Proportionality of Transportation System Improvements

- 23-8A-2010 Purpose and Applicability
  - 23-8A-2020 Proportionality Determination
- 

### Article 23-8B: Right-Of-Way Dedication and Reservation

---

#### Division 23-8B-1: General Provisions

- 23-8B-1010 Purpose and Applicability
  - 23-8B-1020 Nexus and Proportionality Required
  - 23-8B-1030 Right-of-Way Variance
- 

#### Division 23-8B-2: Right-Of-Way Dedication and Improvement

- 23-8B-2010 Dedication and Improvement Required
  - 23-8B-2020 Timing of Dedication and Construction
  - 23-8B-2030 Approval Conditioned on Dedication
  - 23-8B-2040 Right-of-Way Alignment
- 

#### Division 23-8B-3: Right-Of-Way Reservation

- 23-8B-3010 Purpose and Applicability
  - 23-8B-3020 Reservation of Right-of-Way
  - 23-8B-3030 Development Restrictions in Reserved Right-of-Way
  - 23-8B-3040 Waiver of Right-of-Way Reservation
- 

### Article 23-8C: Transportation Review & Analysis

---

#### Division 23-8C-1: General Provisions

- 23-8C-1010 Purpose and Applicability
- 23-8C-1020 Trip Calculation
- 23-8C-1030 Waiver of Transportation Analysis

---

**Division 23-8C-2: Comprehensive Transportation Review**

- 23-8C-2010 Purpose and Applicability
- 23-8C-2020 Transportation Demand Management
- 23-8C-2030 Transportation Impact Analysis

---

**Article 23-8D: Development Conditions & Mitigation**

---

**Division 23-8D-1: Action on Development Application**

- 23-8D-1010 Purpose and Applicability
- 23-8D-1020 Interdepartmental Engineering Review
- 23-8D-1030 Conditions to Development Approval
- 23-8D-1040 Transportation Mitigation Variance

---

**Division 23-8D-2: Transportation Infrastructure Improvements**

- 23-8D-2010 Tier 1 System Improvements
- 23-8D-2020 Tier 2 System Improvements
- 23-8D-2030 Nexus Standards
- 23-8D-2040 Fee In-Lieu of System Improvements
- 23-8D-2050 Reduced Transportation Mitigation

---

**Article 23-8E: Right-Of-Way Construction**

---

**Division 23-8E-1: General Provisions**

- 23-8E-1010 Purpose and Applicability

---

**Division 23-8E-2: Construction License**

- 23-8E-2010 Licensure Requirements
- 23-8E-2020 License Application and Bond
- 23-8E-2030 License Approval Standard
- 23-8E-2040 License Term; Suspension and Revocation

---

**Division 23-8E-3: Right-Of-Way Permit**

- 23-8E-3010 Right-of-Way Permit Required
- 23-8E-3020 Permit for Driveway Approach
- 23-8E-3030 Driveway Approach Design
- 23-8E-3040 Violations and Enforcement

---

**Division 23-8E-4: General Design and Maintenance Requirements**

- 23-8E-4010 Compliance Required
- 23-8E-4020 Design and Construction Standards
- 23-8E-4030 Establishing Line and Grade
- 23-8E-4040 Alternate Materials, Designs, and Construction Standards
- 23-8E-4050 Removing Existing Curb Openings or Driveway Approaches
- 23-8E-4060 Relocation or Replacement of Facilities and Trees
- 23-8E-4070 Inspection Procedures
- 23-8E-4080 Street Maintenance
- 23-8E-4090 Driveway Approach Maintenance
- 23-8E-4100 Defective Conditions or Special Uses

---

**Division 23-8E-5: Driveways and Alleys**

- 23-8E-5010 Existing Driveways
- 23-8E-5020 Driveway Closure and Curb Construction
- 23-8E-5030 Alleys

---

**Division 23-8E-6: Sidewalks, Urban Trails, and Street Trees**

- 23-8E-6010 General Sidewalk Requirements
- 23-8E-6020 Fee In-Lieu of Sidewalk Construction
- 23-8E-6030 Urban Trails
- 23-8E-6040 Street Tree Requirements

## **Article 23-8F: Street Design**

---

**Division 23-8F-1: General Provisions**

- 23-8F-1010 Purpose and Applicability
- 23-8F-1020 Standards for Design and Construction
- 23-8F-1030 Street Names and Addresses
- 23-8F-1040 Traffic Control Devices

---

**Division 23-8F-2: Access to Major Streets**

- 23-8F-2010 Minimum Frontage for Major Streets
- 23-8F-2020 Property Subject to Condemnation
- 23-8F-2030 Joint-Use Driveways

---

**Division 23-8F-3: Street Layout**

23-8F-3010	Purpose and Applicability
23-8F-3020	Street Layout and Alignment
23-8F-3030	Access Streets
23-8F-3040	Dead End Streets
23-8F-3050	Block Dimensions
23-8F-3060	Through Lots and Alleys

---

**Article 23-8G: Road Utility Districts**

---

**Division 23-8G-1: Approval of Petition**

23-8G-1010	Purpose and Applicability
23-8G-1020	Pre-Application Process
23-8G-1030	Contents of Petition
23-8G-1040	Conditions for Approval
23-8G-1050	Review Process
23-8G-1060	Council Review and Action
23-8G-1070	Annexation Petitions and Petitions for Construction of Facilities Outside the Road Utility District

---

**Division 23-8G-2: Construction of Facilities**

23-8G-2010	Submittal of Construction Plans
23-8G-2020	Approval of Bond-Financed Activities
23-8G-2030	Construction Inspection
23-8G-2040	Notice of Conveyance
23-8G-2050	Representation by City Manager

# Article 23-8A: General Provisions

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## Contents

---

### **Division 23-8A-1: Policy and Administration**

- 23-8A-1010 Purpose and Applicability
  - 23-8A-1020 Review Authority
  - 23-8A-1030 Transportation Criteria Manual
  - 23-8A-1040 Administrative Modifications
  - 23-8A-1050 Setbacks and Building Lines
  - 23-8A-1060 Definitions
- 

### **Division 23-8A-2: Proportionality of Transportation System Improvements**

- 23-8A-2010 Purpose and Applicability
- 23-8A-2020 Proportionality Determination

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# Division 23-8A-1: Policy and Administration

---

**Contents**

23-8A-1010 Purpose and Applicability ..... 1  
23-8A-1020 Review Authority ..... 2  
23-8A-1030 Transportation Criteria Manual. .... 2  
23-8A-1040 Administrative Modifications ..... 3  
23-8A-1050 Setbacks and Building Lines ..... 3  
23-8A-1060 Definitions. .... 4

---

## 23-8A-1010 Purpose and Applicability

- (A) **Purpose.** The purpose of this chapter is to implement the Transportation Plan by:
  - (1) Facilitating compact and connected growth and development;
  - (2) Promoting the use of green infrastructure to protect environmentally sensitive areas and integrate nature into the built environment;
  - (3) Increasing housing affordability and community health through a robust and accessible transportation network;
  - (4) Promoting complete streets to serve all roadway users, pedestrians, bicyclists, transit riders, and motorists regardless of age or ability;
  - (5) Providing safe and efficient movement of people, goods, and services; and
  - (6) Integrating streets into the existing and future context of adjacent land uses and the larger built environment.
  
- (B) **Applicability; Summary of Chapter.** Except as provided in Subsection (C), the requirements of this chapter apply in the City’s planning jurisdiction at any stage of the development process requiring the dedication or construction of streets or transportation facilities or contributions towards a development’s impact on the transportation system. In general:
  - (1) Division 23-8A-2 (Proportionality of Transportation System Improvements) applies if contributions toward municipal transportation infrastructure is required under this chapter;
  - (2) Article 23-8B (Right-of-Way Dedication and Reservation) applies to the dedication and improvement of public right-of-way and to the reservation of land for future right-of-way acquisition by the City or another governmental entity;
  - (3) Article 23-8C (Transportation Review and Analysis) applies to transportation impact analysis and mitigating the impacts of vehicle trips generated by new development on the City’s transportation system;
  - (4) Article 23-8D (Development Conditions and Mitigation) applies to conditions required by the City to mitigate the impacts of development on the transportation system;
  - (5) Article 23-8F (Street Design) applies to the design and construction of public streets;
  - (6) Article 23-8E (Right-of-Way Construction) applies to any construction or installation in the public right-of-way;

- (7) Article 23-8F (Street Layout and Access) applies to the placement and configuration of public streets and access onto a public street; and
  - (8) Article 23-8G (Road Utility Districts) applies to petitions submitted to the City by a road utility district regarding the conveyance of public facilities.
- (C) **Subdivisions in Portion of the Extraterritorial Jurisdiction within Travis County.** City Code Title 30 (Austin/Travis County Subdivision Regulations) establishes transportation requirements for a subdivision in the portion of the City's extraterritorial jurisdiction that is within Travis County. Title 30 supersedes the requirements of this chapter to the extent of a conflict.

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### **23-8A-1020    Review Authority**

- (A) Authority and responsibility for implementing this chapter is delegated to the director of the Austin Transportation Department, which is referred to throughout this chapter as "the director." However, the city manager may from time to time delegate particular functions under this chapter to one or more other city departments, which shall control over the general delegation in this subsection.
- (B) In exercising authority under this division, the director may consult with other city departments regarding issues within that department's area of expertise. For a summary of general functions performed by various city departments under this Title, see Section 23-1B-3020 (Overview of City Departments).

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### **23-8A-1030    Transportation Criteria Manual**

- (A) The director shall adopt a Transportation Criteria Manual to aid in administering and enforcing this chapter. The manual shall be adopted by administrative rule and must be consistent with the requirements of this chapter.
- (B) The Transportation Criteria Manual shall include standards for:
  - (1) The design and construction of:
    - (a) Public streets, sidewalks, bikeways, and other transportation facilities;
    - (b) Driveways, curb cuts, and other means of accessing public right-of-way;
    - (c) Parking facilities, including on-street parking and parking lots and garages; and
    - (d) Structures and improvements in public right-of-way, which shall be developed in consultation with the Public Works Director;
  - (2) Dedication and alignment of right-of-way;
  - (3) Traffic control devices;
  - (4) Proportionality determinations required under Division 23-8A-2 (Proportionality of Transportation System Improvements), including standardized procedures for making determinations and criteria for identifying required improvements with an essential nexus to the impacts of proposed development;
  - (5) Transportation demand management plans required under Section 23-8C-2020 (Transportation Demand Management), including trip reductions associated with

demand management tools and standards for compliance, administration, and enforcement;

- (6) Transportation impact analyses required under Article 23-8C (Transportation Review and Analysis);
- (7) Street design and layout, including methods for achieving consistency with block-length standards at different stages of development;
- (8) Criteria for transit operations and recommended design techniques for integrating transit infrastructure into development; and
- (9) Other provisions necessary for the administration and enforcement of this chapter.

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## **23-8A-1040 Administrative Modifications**

### **(A) Purpose and Applicability.**

- (1) This section authorizes the director to administratively modify application of this chapter to a proposed development based on the impacts of particular requirements relative to the transportation needs generated by the development.
- (2) The director may grant an administrative modification to a requirement of this chapter only where specifically authorized by this chapter. The director may not grant an administrative modification from the requirement to dedicate right-of-way.

### **(B) Standards for Approval.**

- (1) A request for an administrative modification must be submitted in a manner approved by the director and must be associated with a pending development application.
- (2) The director may grant the modification if the director determines that the requirement for which the modification is requested would:
  - (i) Deprive a property of reasonable use;
  - (ii) Result in unreasonable hardship due to unique topographic or other physical features of the property; or
  - (iii) Fail to satisfy the applicable requirements of Section 23-8B-1020 (Nexus and Proportionality Required).

- (C) **Appeal.** An applicant may appeal a decision by the director to deny an administrative modification under this section to the Land Use Commission in accordance with procedures established in Article 23-2I (Appeals).

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## **23-8A-1050 Setbacks and Building Lines**

- (A) A setback line prescribed under this chapter is measured from the boundary of the right-of-way adjacent to the property.
- (B) In addition to requiring the dedication or reservation of right-of-way under this article, the City may establish building lines on right-of-way consistent with procedures established in the Local Government Code, Chapter 214, Subchapter D.

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## 23-8A-1060 Definitions

- (A) This section defines words and phrases that are used primarily in this chapter. For definitions applicable throughout this Title, see Division 23-12A (Definitions and Measurements).

**MAJOR STREET.** A street that is designated in the Transportation Plan or in a street network plan approved by the county in which the street is located.

**SYSTEM IMPROVEMENTS or TRANSPORTATION SYSTEM IMPROVEMENTS.** A transportation improvement that mitigate the impacts of development on the City's transportation system, including the construction or funding of infrastructure improvements and the dedication or improvement of right-of-way beyond the boundaries of a development or in excess of that required by generally applicable design standards. The term does not include dedications or improvements that directly serve a development under generally applicable development regulations.

**TRANSPORTATION DEMAND MANAGEMENT PLAN or TDM PLAN.** A plan approved by the director of the Austin Transportation Department under Section 23-8C-2020 (Transportation Demand Management) to facilitate reductions in vehicle trips generated by development.

**TRANSPORTATION PLAN.** The Austin Strategic Mobility Plan adopted by Ordinance No. 20190411-033, or its successor plan, and other plans referenced and incorporated therein.

**TRANSPORTATION SYSTEM.** A component of the overall transportation network designed for movement of people, goods, and services including municipal transportation infrastructure such as arterials and collector streets, sidewalks, trails, and other multi-modal transportation facilities identified in the Transportation Plan. The term excludes transportation facilities internal to a development and required to directly serve the development.

**URBAN TRAILS.** A citywide network of multi-use pathways that are used by bicyclists, walkers, and runners for both transportation and recreation.

# Division 23-8A-2: Proportionality of Transportation System Improvements

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## Contents

23-8A-2010	Purpose and Applicability . . . . .	1
23-8A-2020	Proportionality Determination . . . . .	1

---

### **23-8A-2010 Purpose and Applicability**

- (A) The purpose of this division is to ensure that any condition of development approval requiring a developer or landowner to dedicate, construct, or fund municipal transportation infrastructure improvements:
  - (1) Does not exceed the roughly proportionate amount that may reasonably be attributed to the development based on impact of the development; and
  - (2) Complies with other applicable constitutional and statutory requirements.
- (B) The requirements of this division apply to any contributions toward transportation system improvements required as a condition to development approval under Article 23-8B (Right-of-Way Dedication and Reservation), Article 23-8C (Transportation Review & Analysis), or another provision of this Title.

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### **23-8A-2020 Proportionality Determination**

- (A) If the City conditions approval of a development application on a requirement that a landowner bear a portion of the costs of transportation system improvements by dedicating right-of-way, paying transportation mitigation fees, or constructing transportation system improvements, the landowner’s portion of those costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to impacts of the proposed development as determined by a professional engineer licensed under Chapter 1001, Occupations Code, and retained by the City.
- (B) The director shall issue a written determination of an landowner’s roughly proportionate share of transportation infrastructure costs attributable to a proposed development prior to approval of an application for which dedication of right-of-way or the construction or funding of system transportation improvements is required. A determination issued under this section:
  - (1) Need not be made to a mathematical certainty, but is intended to be used as a tool to fairly assess the roughly proportionate impacts of a development based on the level of transportation demand created by a proposed development relative to the capacity of existing public infrastructure;
  - (2) Shall be completed in compliance with generally recognized and approved measurements, assumptions, procedures, formulas, and development principles; and
  - (3) Shall state the roughly proportionate share attributable to the landowner for the dedication and construction of transportation-related improvements 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 director shall identify in writing all transportation infrastructure improvements required in conjunction with approval of the development application. The infrastructure improvements may include right-of-way dedication, 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) To aid in making a proportionality determination and identifying required infrastructure improvements, the director may adopt administrative guidelines setting forth assumptions, procedures, formulas, and development principles used in making a proportionality determination.

# Article 23-8B: Right-Of-Way Dedication and Reservation

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## Contents

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### **Division 23-8B-1: General Provisions**

- 23-8B-1010 Purpose and Applicability
  - 23-8B-1020 Nexus and Proportionality Required
  - 23-8B-1030 Right-of-Way Variance
- 

### **Division 23-8B-2: Right-Of-Way Dedication and Improvement**

- 23-8B-2010 Dedication and Improvement Required
  - 23-8B-2020 Timing of Dedication and Construction
  - 23-8B-2030 Approval Conditioned on Dedication
  - 23-8B-2040 Right-of-Way Alignment
- 

### **Division 23-8B-3: Right-Of-Way Reservation**

- 23-8B-3010 Purpose and Applicability
- 23-8B-3020 Reservation of Right-of-Way
- 23-8B-3030 Development Restrictions in Reserved Right-of-Way
- 23-8B-3040 Waiver of Right-of-Way Reservation

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# Division 23-8B-1: General Provisions

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## Contents

23-8B-1010	Purpose and Applicability . . . . .	1
23-8B-1020	Nexus and Proportionality Required . . . . .	1
23-8B-1030	Right-of-Way Variance. . . . .	2

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## 23-8B-1010 Purpose and Applicability

- (A) This article establishes requirements for the dedication and reservation of public right-of-way, to ensure that:
  - (1) New development is supported by adequate transportation infrastructure;
  - (2) The right-of-way needs generated by new development are identified and provided for at the earliest stage of the development process in which those needs can be reasonably evaluated; and
  - (3) A landowner is not required to contribute more toward municipal transportation infrastructure than the roughly proportionate share attributable to the development.
- (B) The requirements of this article apply to new development or redevelopment for which right-of-way needs may reasonably be assessed.

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## 23-8B-1020 Nexus and Proportionality Required

- (A) **Essential Nexus.**
  - (1) An essential nexus exists between the transportation demand generated by new development and the dedication and improvement of streets or other transportation facilities required to serve new development under generally applicable standards of this Title.
  - (2) In order to condition development on the dedication of right-of-way or the construction or funding of transportation system improvements, the director must determine that an essential nexus exists between the demand generated by proposed development and the required right-of-way dedication or improvement.
- (B) **Rough Proportionality.** If right-of-way dedication or improvement is required for municipal transportation infrastructure, the cost of the dedication may not exceed the development’s roughly proportionate share as determined under Division 23-8A-2 (Proportionality of Transportation System Improvements).

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## 23-8B-1030 Right-of-Way Variance

- (A) **Purpose and Applicability.** If a development application requires approval by the Land Use Commission or city council, an applicant may request a variance under this section from a requirement to dedicate, reserve, or improve right-of-way. The variance procedure authorized by this section provides for consideration of unique impacts that requirements of this chapter may have on property relative to the transportation needs generated by proposed development.
- (B) **Application Requirements.** A request for a variance under this section must be:
- (1) Submitted in a manner approved by the director and include any information required by the director to evaluate the variance request; and
  - (2) Associated with a pending development application, unless the director determines that the amount of public right-of-way that would be required for dedication is 15 percent or more of a project site's total land area.
- (C) **Review Authority.** A request for a variance under this section shall be considered by:
- (1) The Land Use Commission; or
  - (2) The city council, if a development application requires council approval.
- (D) **Standards for Review and Approval.**
- (1) **Variance Criteria.** The Land Use Commission or city council may grant a variance under this section if it determines that the right-of-way required to be dedicated, improved, or reserved would:
    - (a) Deprive a property of reasonable use;
    - (b) Result in unreasonable hardship due to unique topographic or other physical features of the property; or
    - (c) Fail to satisfy the applicable requirements of Section 23-9A-1020 (Nexus and Proportionality Required), if the dedication or improvement is required for municipal transportation infrastructure.
  - (2) **Effect of Variance.** In approving a variance under this section, the Land Use Commission or city council may:
    - (a) Reduce the amount of right-of-way required to be dedicated or the contribution required under this chapter for municipal transportation infrastructure improvements;
    - (b) Modify requirements pertaining to the location or alignment of a right-of-way dedication; and
    - (c) Impose reasonable conditions directly related to the impacts of the variance, provided that transportation infrastructure improvements may not be required in excess of an applicant's roughly proportionate share as determined under Division 23-8A-2 (Proportionality of Transportation System Improvements).
  - (3) **Findings Not Required.** The Land Use Commission or city council is not required to make formal findings to approve a variance under this section. Action approving a development application for which a variance is required under this section constitutes approval of the variance and a finding that the criteria in Subsection (D)(1) have been met.

- (E) **Supplemental Remedy.** The variance procedure authorized under this section is supplemental, and in addition to, any other procedures available under this Title or state law.

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# Division 23-8B-2: Right-Of-Way Dedication and Improvement

**Contents**

- 23-8B-2010 Dedication and Improvement Required ..... 1
- 23-8B-2020 Timing of Dedication and Construction..... 2
- 23-8B-2030 Approval Conditioned on Dedication..... 3
- 23-8B-2040 Right-of-Way Alignment ..... 4

---

## 23-8B-2010 Dedication and Improvement Required

**(A) Dedication of Right-of-Way and Construction of Improvements.**

- (1) Right-of-Way Dedication. A landowner shall dedicate all public right-of-way required to adequately serve the transportation needs of proposed development consistent with the standards of this Title and the following requirements:
  - (a) The amount, location, and alignment of right-of-way to be dedicated shall conform to the Transportation Plan or an approved capital improvement project and may be required within, adjacent to, or outside the boundaries of a proposed development.
  - (b) The method of dedication shall be in a manner prescribed by the director and approved by the city attorney. Dedication of street right-of-way shall be shown on the face of a plat if the dedication is required as a condition of subdivision approval, but dedications made as a condition to approval of other applications or for sidewalk right-of-way only may be made by a deed approved by the city attorney.
- (2) Right-of-Way Improvements. Construction of all required street improvements and transportation facilities, consistent with the applicable standards of this Title, is required within public right-of-way needed to directly serve a proposed development. Behind the curb system improvements may be placed within public access easements to accommodate required system improvements as approved by the Director.
- (3) Municipal Transportation Infrastructure. The cost of any right-of-way dedication or other required improvements to the transportation system may not exceed the development’s roughly proportionate share as determined under Division 23-8A-2 (Proportionality of Transportation System Improvements). If a transportation impact analysis is required, only right-of-way dedications or system improvements identified in the analysis may be required unless the director determines that the analysis is outdated or inconsistent with material assumptions on which the original TIA was based.

**(B) Adjacent Roadway Improvements.**

- (1) Adjacent and Abutting Streets. For a street required adjacent to or abutting a proposed development, the City may require that up to the entire right-of-way be dedicated and improved to city design standards depending on:
  - (a) The impact of proposed development on the street;

- (b) The timing of proposed development relative to the anticipated need for the street; and
  - (c) The likelihood that adjoining property will develop in a timely manner.
- (2) **Frontage Roads.** If a frontage road or service street is required for state or federally designated highways, the entire abutting right-of-way shall be dedicated and improved to applicable design standards and specifications.
- (C) **Substandard Street Improvements.** If an existing street that does not meet applicable right-of-way or design standards abuts a proposed development, the City may require the property owner to dedicate the right-of-way for a standard street width and improve the street consistent with the dimensions and specifications in the Transportation Plan or an approved capital improvement project. The extent of improvements to be required shall be based on the factors described in Subsection (B)(1).

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## 23-8B-2020    **Timing of Dedication and Construction**

### (A) **Determination of Right-of-Way Dedication and Improvements.**

- (1) **Development Applications.** The director shall require an initial demonstration that a proposed development will be adequately served by transportation infrastructure when the first application depicting a specific plan for development is submitted. Depending on the nature of the proposed development and the adequacy of existing transportation infrastructure, an evaluation of right-of-way needs under this section may be required for:
  - (a) A preliminary plan or final subdivision plat;
  - (b) A site plan application or revision;
  - (c) An agreement related to annexation, including a development agreement or creation of a utility district; or
  - (d) Other development applications depicting a specific development plan for which right-of-way needs may be reasonably assessed.
- (2) **Zoning Applications.** The director shall require a demonstration that development proposed in an application for a planned unit development shall be adequately served by transportation infrastructure. For other zoning applications, the director may require an assessment of right-of-way needs if:
  - (a) The property proposed for zoning or rezoning is:
    - (i) Subdivided, or exempt from the requirement to subdivide, and requires no further development approvals for which dedication of right-of-way may be required;
    - (ii) Fronts a street or highway proposed for widening under the Transportation Plan or an approved capital improvement project; or
  - (b) Approval of the zoning application would substantially increase the intensity of development allowed on the property to the extent that right-of-way needs may be reasonably assessed without a site plan, subdivision, or other development application.

**(B) Timing of Dedication or Construction.****(1) Development Applications.**

- (a) Unless an obligation is deferred under Subsection (B)(2), all required dedication or improvement of public right-of-way must occur prior to approval of a development application as provided in Section 23-8B-2030 (Approval Conditioned on Dedication).
- (b) The City may, at the request of an applicant or on its own initiative, defer an obligation to dedicate or improve public right-of-way required to serve new development consistent with the following requirements:
  - (i) An obligation to dedicate or improve right-of-way may be deferred until approval of a subordinate development application for the project or, for a development proposed in phases, until a subsequent phase of development.
  - (ii) As a condition to deferring an obligation, the director may require a developer or landowner to execute an agreement specifying the timing and sequence that public right-of-way must be dedicated or improved consistent with the requirements of this Title. The agreement must be on a form prescribed by the director and approved by the city attorney.
  - (iii) The director may require that an agreement executed under Paragraph (1) (b)(ii) be recorded in the deed records if a proposed development includes multiple lots or as otherwise required to protect the City's interests and ensure completion of all required transportation infrastructure.

**(2) Zoning Applications.**

- (a) Approval of a zoning application may not be conditioned on the dedication or improvement of public right-of-way unless the director determines that a dedication of right-of-way is necessary to provide site access for any of the uses allowed within the zone.
- (b) If the director determines anticipated right-of-way needs associated with a zoning application under Subsection (A)(2), that determination shall be binding on subsequent development applications within the area covered by the zoning application if:
  - (i) The proposed development is consistent with the assumptions on which the director based the right-of-way determination; and
  - (ii) The application is submitted no later than five years from the date that the zoning application is approved or by such other date as the city council may establish in approving the zoning application.

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**23-8B-2030 Approval Conditioned on Dedication**

- (A) Approval of a development application for which right-of-way requirements have been determined under Section 23-8B-2020 (Timing of Dedication and Construction) shall be conditioned on dedicating the required right-of-way and making required transportation improvements concurrent with development authorized by the application or at a subsequent stage of the development process as determined under Section 23-8B-2020 (Timing of Dedication and Construction).

- (B) A landowner required to dedicate or improve public right-of-way shall make the dedications and improvements in a manner approved by the director in accordance with Section 23-8B-2010 (Dedication and Improvement Required) and the Transportation Criteria Manual.

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## 23-8B-2040 Right-of-Way Alignment

- (A) **Timing of Review.** The director shall determine the required alignment of right-of-way in accordance with this section during review of:
  - (1) A development application for which dedication or improvement of right-of-way is required;
  - (2) An application for a variance under Section 23-8B-1030 (Right-of-Way Variance); or
  - (3) A waiver request under Section 23-8B-3040 (Waiver of Right-of-Way Reservation).
- (B) **Standards for Establishing Right-of-Way Alignment.** In establishing a right-of-way alignment, the director shall use the criteria described in this subsection.
  - (1) **Technical Requirements.** The director shall base right-of-way alignment on engineering criteria related to the safe use and maintenance of public right-of-way, including grade, sight distance, turning radii, curvature, existing green infrastructure, and the existence of flood plain or wildfire hazards. These criteria are primary considerations to be used in determining right-of-way alignment and are controlling over other criteria in the event of conflict.
  - (2) **Planning Criteria.** To the greatest extent possible, the director shall require right-of-way alignment to conform with:
    - (a) The alignment established in the Transportation Plan or an approved capital improvement project;
    - (b) In an area designated for:
      - (i) A state roadway project, the alignment established by the Texas Department of Transportation or its authorized agent; or
      - (ii) A county project, the alignment established by the appropriate county or their authorized agent; and
    - (c) For an existing or platted street, the alignment based on:
      - (i) The existing centerline established before an additional dedication from the opposite side of the right-of-way occurs;
      - (ii) If the centerline of the street is proposed to be shifted from its present alignment, the proposed right-of-way centerline; or
      - (iii) If the alignment for a street cannot be determined under Subsection (B)(2)(c)(i)-(ii), the right-of-way shall be established on each side of the centerline of the existing street.



# Division 23-8B-3: Right-Of-Way Reservation

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**Contents**

23-8B-3010 Purpose and Applicability . . . . . 1

23-8B-3020 Reservation of Right-of-Way . . . . . 1

23-8B-3030 Development Restrictions in Reserved Right-of-Way . . . . . 1

23-8B-3040 Waiver of Right-of-Way Reservation. . . . . 2

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**23-8B-3010 Purpose and Applicability**

- (A) The purpose of reserving right-of-way is to avoid conflicts between new development and future transportation improvements for which acquisition of right-of-way may be required by the City or another governmental entity.
- (B) The City may require reservation of right-of-way, consistent with the requirements of this division, for any development application listed in Section 23-8B-2020 (Timing of Dedication and Construction) if dedication cannot be required based on the development’s projected impacts to the transportation system as determined under Section 23-8A-2020 (Proportionality Determination). The decision to require reservation is in the sole discretion of the director.

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**23-8B-3020 Reservation of Right-of-Way**

- (A) The director may, as a condition to approval of a site plan or subdivision, require the reservation of right-of-way that is reasonably likely to be acquired for public use.
- (B) Reservation of right-of-way may only be required for land located along a roadway designated in the Transportation Plan or an approved capital improvement project, which shall be used to determine the location, extent, and alignment of the reserved right-of-way.

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**23-8B-3030 Development Restrictions in Reserved Right-of-Way**

- (A) **General Restriction.** Unless a waiver is approved under Section 23-8B-3040 (Waiver of Right-of-Way Reservation), a person may not erect a structure or make an improvement in reserved right-of-way except as authorized under this section.
- (B) **Temporary Use of Reserved Right-of-Way.** At the request of a landowner, the director may issue a permit under this subsection to authorize the use of reserved right-of-way for a temporary structure or improvement, including a parking area, detention pond, landscaping, or sign.
  - (1) Application Requirements. A permit request must be submitted:
    - (a) Concurrent with a development application proposing construction in the reserved right-of-way, except that a development application is not required if the size of reserved area is 15 percent or more of the property; and

- (b) In a manner prescribed by the director, including any information required by the director to evaluate the request.
- (2) **Permit Criteria and Conditions.**
  - (a) In reviewing a permit request under this section, the director shall consider the nature and extent of improvements proposed within the reserved right-of-way and the likelihood that the area will be acquired for public use.
  - (b) In approving a permit for temporary use of reserved right-of-way, the director:
    - (i) Shall establish an expiration date by which all structures and improvements must be removed;
    - (ii) May impose reasonable conditions on the placement or construction of any authorized structures or improvements; and
    - (iii) May, depending on the nature and extent of proposed improvements, require an applicant to post fiscal surety for site restoration under Division 23-2C-4 (Fees and Fiscal Surety).
- (3) **Violations and Enforcement.** It shall be an offense to use, operate, or maintain a structure or improvement in reserved right-of-way except as authorized by a permit issued under this section. A violation of this requirement may be enforced in the manner prescribed for unauthorized use of public right-of-way under City Code Chapter 14-11, Article 3 (Enforcement).
- (C) **Responsibility to Replace Required Improvements.** If a permit authorizing temporary use of reserved right-of-way expires, a landowner must relocate or replace any improvements required by this Title or other applicable law from the reserved right-of-way to the remainder of the property.

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## 23-8B-3040 Waiver of Right-of-Way Reservation

- (A) **Purpose and Applicability.** This section provides a means by which a landowner may require the City to either acquire land reserved for right-of-way or release the reservation and permit development to occur consistent with generally applicable standards of this Title.
- (B) **Application and Notice Requirements.**
  - (1) **Application Requirements.** A request for waiver of reserved right-of-way must be submitted:
    - (a) Concurrent with a development application proposing construction in the reserved right-of-way, except that a development application is not required if the size of the reserved area is 15 percent or more of the property; and
    - (b) In a manner prescribed by the director, including any information required by the director to evaluate the request.
  - (2) **Notice Requirements.** If an application covers an area designated as a state roadway project, the director shall:
    - (a) Notify the Texas Department of Transportation that:
      - (i) A request for a waiver has been filed; and

- (ii) If applicable, that a development application has been filed proposing construction in a reserved right-of-way or setback from reserved right-of-way; and
  - (b) Request field notes from the Texas Department of Transportation.
- (C) Action on Waiver Request.**
  - (1) Dedication of Reserved Right-of-Way.**
    - (a) If a waiver request is associated with a development application, the director shall determine:
      - (i) The portion of the reserved right-of-way required for an appropriate street alignment under Section 23-8B-2040 (Right-of-Way Alignment); and
      - (ii) Whether the City can require that portion of the reserved right-of-way to be dedicated under Division 23-8B-2 (Right-of-Way Dedication and Improvement) as a condition to development approval.
    - (b) If dedication is required, the director shall deny the waiver request and may only approve the development application on the condition that right-of-way is dedicated and improved as required under Section 23-8B-2030 (Approval Conditioned on Dedication).
    - (c) If dedication is not required, the director shall determine whether the property may be acquired by the City under Subsection (C)(2).
  - (2) Acquisition of Reserved Right-of-Way.**
    - (a) The director shall determine whether a reserved area may feasibly be acquired by the City through condemnation or purchase if a waiver request is:
      - (i) Accepted for review without a development application; or
      - (ii) Submitted with a development application, and the director determines that dedication cannot be required as a condition of approval under Section 23-8B-2030 (Approval Conditioned on Dedication).
    - (b) If the director determines that the City cannot acquire the right-of-way, the director shall grant the waiver and release the right-of-way reservation.
    - (c) If the director determines that the City may feasibly acquire the reserved right-of-way, the director shall:
      - (i) Deny the waiver request and disapprove any pending development applications associated with the request or submitted within six months from the date of the denial; and
      - (ii) If the City has not acquired the reserved right-of-way after six months from the date the waiver is denied, approve the waiver, release the reserved right-of-way, and continue processing any pending development applications.

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# Article 23-8C: Transportation Review & Analysis

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## Contents

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### **Division 23-8C-1: General Provisions**

- 23-8C-1010 Purpose and Applicability
  - 23-8C-1020 Trip Calculation
  - 23-8C-1030 Waiver of Transportation Analysis
- 

### **Division 23-8C-2: Comprehensive Transportation Review**

- 23-8C-2010 Purpose and Applicability
- 23-8C-2020 Transportation Demand Management
- 23-8C-2030 Transportation Impact Analysis

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# Division 23-8C-1: General Provisions

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## Contents

23-8C-1010	Purpose and Applicability .....	1
23-8C-1020	Trip Calculation .....	1
23-8C-1030	Waiver of Transportation Analysis .....	2

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## 23-8C-1010 Purpose and Applicability

- (A) This article establishes procedures for analyzing and mitigating the impacts of new development on the transportation system by:
  - (1) Determining the extent to which streets and other municipal transportation infrastructure are impacted by new development; and
  - (2) Requiring new development to provide transportation infrastructure improvements and other mitigation necessary to address the impacts of new development.
- (B) Requirements for analyzing and mitigating the impacts of new development on the transportation system vary depending on the scope and intensity of new development. In general:
  - (1) Division 23-8C-2 (Comprehensive Transportation Review) is the highest level of transportation review and applies to new development anticipated to generate impacts of at least 1,000 vehicle trips per day or 100 peak hour trips;
  - (2) Article 23-8D (Development Conditions and Mitigation) establishes procedures by which the director may condition development approval on mitigation measures identified during transportation review.

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## 23-8C-1020 Trip Calculation

- (A) To determine the vehicle trips associated with a land use or mix of uses, the director shall base the calculation on the Institute of Transportation Engineers (ITE) Trip Generation Manual and standards adopted in the Transportation Criteria Manual.
- (B) To determine a street's existing trip count, the director shall rely on most recent data or establish a current trip count based on generally accepted guidelines.
- (C) A trip count determined under this section:
  - (1) Shall be used for determining required system improvements and to provide information on the impacts of proposed development to the transportation system; and
  - (2) Does not restrict development allowed under applicable regulations of this Title.

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## 23-8C-1030 Waiver of Transportation Analysis

- (A) **Waiver Authorized.** The director may waive transportation review required by Division 23-8C-2 (Comprehensive Transportation Review) consistent with the requirements of this section. An applicant must submit a waiver request in a manner approved by the director and include any information required by the director to determine whether the request meets the criteria established under Subsection (B).
- (B) **Waiver Criteria.** To grant a waiver, the director must find that:
  - (1) Existing or previously identified transportation improvements and mitigation measures are sufficient to accommodate vehicle trips that a proposed development is likely to generate; or
  - (2) Trip reductions required by a TDM plan approved under Section 23-8C-2020 (Transportation Demand Management) reduce the total number of trips generated by a development to below the level for which analysis is required.
- (C) **Waiver Conditions.** If a project is anticipated to generate more than 2,000 vehicle trips per day, without considering trip reductions approved under Section 23-8C-2020 (Transportation Demand Management), the director may condition a waiver under this section on a requirement to fund or construct improvements or make changes to the proposed development that are necessary to satisfy the criteria in Subsection (B).



# Division 23-8C-2: Comprehensive Transportation Review

**Contents**

23-8C-2010	Purpose and Applicability	1
23-8C-2020	Transportation Demand Management	1
23-8C-2030	Transportation Impact Analysis	2

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## 23-8C-2010 Purpose and Applicability

- (A) The purpose of comprehensive transportation review is to ensure that, for new development with the greatest potential impact to the City’s transportation system, an applicant for development approval:
  - (1) Provides thorough and high-quality analysis of:
    - (a) Projected multi-modal traffic generated by a proposed development;
    - (b) The effect of proposed development on the transportation network near the development; and
    - (c) Potential operational, geometric, or safety impacts of the development, as well as recommendations for appropriate mitigation; and
  - (2) Identifies transportation infrastructure improvements sufficient to mitigate the impacts of new development on the transportation system.
- (B) Compliance with this division is required if development proposed by an application for approval of a plat, site plan, or planned unit development zone is anticipated to generate impacts of at least 1,000 vehicle trips per day or 100 peak hour trips, after deducting any trip reductions approved by the director under Section 23-8C-2020 (Transportation Demand Management).

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## 23-8C-2020 Transportation Demand Management

- (A) **Purpose and Applicability.**
  - (1) A transportation demand management (TDM) plan is a coordinated set of strategies for minimizing the number of vehicle trips likely to be generated by a proposed development. The purpose of a TDM plan is to identify options for reducing the number of vehicle trips a proposed development is likely to generate, which may in turn reduce the level of transportation review and mitigation required under this chapter.
  - (2) A TDM plan is required for a development application that is subject to comprehensive transportation review under this division or as otherwise provided by this Title. If an application is not required to include a TDM plan under this Title, an applicant may submit a TDM plan voluntarily, but may not rely on TDM measures to satisfy requirements of this Title unless specifically authorized by this Title.

- (B) **Contents of TDM Plan.** A TDM plan must be submitted in a manner approved by the director and must include the elements described in this subsection.
- (1) **Active Modes Analysis.** An analysis that identifies existing and potential opportunities for pedestrian and bicycle connections between a proposed development and adjoining transportation facilities suitable for pedestrian and bicycle travel.
  - (2) **Trip Reduction Measures.**
    - (a) One or more standard trip-reduction measures established in the Transportation Criteria Manual, which may include:
      - (i) Pedestrian-oriented design elements;
      - (ii) Enhanced access to public transportation;
      - (iii) Facilities conducive to bicycling and access to multi-use trails;
      - (iv) Parking management that incentivizes use of shared, multi-passenger vehicles and reduced single-occupancy trips; and
      - (v) Information to facilitate transportation options other than single-occupancy vehicles; or
    - (b) Trip-reduction measures tailored to a particular development, as approved by the director consistent with the Transportation Criteria Manual.
- (C) **Timing of Submittal.**
- (1) **Concurrent with TIA.** Except as provided in Subsection (C)(2), a TDM plan that meets the requirements of this section must be submitted concurrent with a transportation impact analysis required under Section 23-8C-2030 (Transportation Impact Analysis).
  - (2) **In Lieu of TIA.** For a proposed development anticipated to generate less than 2,000 trips per day, the director shall allow submittal of a proposed TDM plan in lieu of transportation impact analysis. A TDM plan submitted under this paragraph shall be limited to reasonable design enhancements and other cost-effective strategies that can be efficiently integrated into project design.
- (D) **Standard for Approval.** The director shall approve a transportation demand management plan if it meets the requirements of the Transportation Criteria Manual and includes reasonable strategies for reducing transportation demand based on the layout, location, and context of a proposed development.
- (E) **Effect and Enforceability of Approved TDM Plan.** Requirements of a TDM plan approved under Subsection (C) shall be noted as conditions on the site plan or other development approval for which the TDM plan is issued and shall be enforceable as provided in Section 23-8D-1030 (Conditions to Development Approval).

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**23-8C-2030 Transportation Impact Analysis****(A) Purpose and Scope of TIA.**

(1) **Purpose.** The purpose of transportation impact analysis is to assess the impact of vehicle trips generated by new development on the City's transportation system and identify potential options to mitigate those impacts.

(2) **Scope.**

(a) An applicant must propose a geographic area and scope to be used as a basis for the analysis, which must be consistent with the Transportation Criteria Manual and approved by the director before the analysis is submitted.

(b) The geographic area must be consistent with trip distributions established by the director and must include all major intersections immediately adjacent to a proposed development, as well any other intersections anticipated to accommodate 50 or more peak hour trips generated by the proposed development.

**(B) Contents.** A transportation impact analysis must be consistent with the scope approved by the director under Subsection (A) and must comply with the requirements described in this subsection.

(1) **Submittal Requirements.** A transportation impact analysis must be:

(a) Prepared by or under the supervision of a professional engineer licensed in the state of Texas; and

(b) Stamped by the professional engineer who prepared or supervised preparation of analysis.

(2) **Elements.** A transportation impact analysis must be prepared in accordance with the Transportation Criteria Manual and must establish:

(a) Trips to be generated by the proposed development;

(b) Assignment of such trips to the street network analyzed;

(c) The capacity of affected streets before and after the proposed development;

(d) Deficient streets; and

(e) Specific recommendations for municipal transportation infrastructure improvements and traffic control modifications that bear an essential nexus to the proposed development and are sufficient to mitigate identified impacts on the City's transportation system

**(C) TIAs for Schools and Projects Impacting Residential Neighborhoods.**

(1) A transportation impact analysis for the following types of development is subject to reduced review and submittal requirements, as determined by the Transportation Criteria Manual:

(a) A public primary or secondary educational facility; and

- (b) A development that:
  - (i) Is anticipated to generate 300 or more vehicle trips in excess of the number of trips generated by existing uses of the property, if any; and
  - (ii) Has access to a street or segment of street, other than a major street, along which 50 percent or more of the frontage located within 1,500 feet of the property is zoned:
    - An urban family residential district or more restrictive zoning designation; or
    - A planned unit development (PUD) zone, if the PUD land use plan establishes residential densities at 12.44 units per acre or less.
- (2) At a minimum, a transportation analysis submitted under this subsection must:
  - (a) Evaluate the existing and projected operating multi-modal level of service of identified residential streets; and
  - (b) Identify mitigation measures to minimize any adverse effects on the transportation system.

**(D) Timing of Submittal.**

- (1) **Initial TIA.** If a proposed development meets the trip threshold established in Section 23-8C-2010 (Purpose and Applicability), an initial transportation impact analysis:
  - (a) Must be submitted with an application for a site plan, subdivision, or planned unit development zoning district; and
  - (b) May be submitted, at the applicant's discretion, or as required by the city council, for a zoning application other than a planned unit development.
- (2) **Updated TIA.** The director may require an updated transportation impact analysis if a subsequent application associated with the development:
  - (a) Proposes a more intensive land use or an increase in unit totals that is inconsistent with assumptions used in the initial transportation impact analysis; or
  - (b) Is submitted more than five years after the initial transportation impact analysis was approved.

# Article 23-8D: Development Conditions & Mitigation

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## Contents

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### **Division 23-8D-1: Action on Development Application**

- 23-8D-1010 Purpose and Applicability
  - 23-8D-1020 Interdepartmental Engineering Review
  - 23-8D-1030 Conditions to Development Approval
  - 23-8D-1040 Transportation Mitigation Variance
- 

### **Division 23-8D-2: Transportation Infrastructure Improvements**

- 23-8D-2010 Tier 1 System Improvements
- 23-8D-2020 Tier 2 System Improvements
- 23-8D-2030 Nexus Standards
- 23-8D-2040 Fee In-Lieu of System Improvements
- 23-8D-2050 Reduced Transportation Mitigation

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# Division 23-8D-1: Action on Development Application

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## Contents

23-8D-1010	Purpose and Applicability . . . . .	1
23-8D-1020	Interdepartmental Engineering Review. . . . .	1
23-8D-1030	Conditions to Development Approval . . . . .	1
23-8D-1040	Transportation Mitigation Variance . . . . .	2

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## 23-8D-1010 Purpose and Applicability

- (A) This article authorizes the City to condition development approval on changes or improvements necessary to ensure that new development will be adequately served by transportation infrastructure and that impacts of new development on the City’s transportation system will be mitigated.
- (B) This article applies to an application for approval of a subdivision, site plan, or planned unit development.

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## 23-8D-1020 Interdepartmental Engineering Review

- (A) Engineering determinations required to implement this article, including determinations of proportionality under Division 23-8A-2 (Proportionality of Transportation System Improvements), shall be made jointly by the Transportation Director and the Development Services Director. Other actions and determinations required by this article shall be made by the Transportation Director, as provided in Section 23-8A-1020 (Review Authority).

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## 23-8D-1030 Conditions to Development Approval

- (A) **Conditions Authorized.** The director or body responsible for acting on a development application may approve an application subject to one or more of the conditions authorized in this section.
- (B) **Design and Construction Requirements.** If a development application requires review under Article 23-8C (Transportation Review and Analysis), the director or the body responsible for acting on the application may require:
  - (1) Delaying or phasing development until construction of municipal transportation infrastructure required to accommodate vehicle trips generated by the development or other transportation improvements necessary to directly serve the development; or
  - (2) Reducing the density or intensity of the development, to the extent necessary to ensure that the capacity of the street network can safely accommodate vehicle trips generated by the proposed development.

- (C) **Transportation System Improvements.** To the extent authorized under Division 23-8D-2 (Transportation System Improvements), the director may condition development approval on the construction, dedication, or funding of transportation system improvements necessary to address impacts of the proposed development on the transportation system. System improvements required as a condition to development approval shall not be required to post fiscal surety.
- (D) **Transportation Demand Management.** If a development application requires review under Division 23-8C-2 (Comprehensive Transportation Review), the director or body responsible for acting on the application shall condition approval on compliance with an approved transportation demand management plan. Conditions of a TDM plan shall be noted on a site plan, or as otherwise prescribed by the director, and shall be enforceable as requirements of this Title under Section 23-2J-1020 (General Offenses and Violations).
- (E) **Transportation Phasing Agreement.** If a proposed development will include more than one lot, the director may condition approval of the application on the execution and recording of a phasing agreement specifying the sequence in which transportation infrastructure must be constructed or funded relative to the issuance of building permits or certificates of occupancy. An agreement under this section must be on a form prescribed by the director and approved by the city attorney.

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## **23-8D-1040    Transportation Mitigation Variance**

- (A) An applicant may request that the Land Use Commission approve a variance from a condition imposed under this article, including conditions requiring the construction, dedication, or funding of transportation system improvements or restrictions affecting the design or construction of a proposed development.
- (B) A variance requested under this section is subject to the procedures established in Section 23-8B-1030 (Right-of-Way Variance) and is supplemental to other remedies available under this Title or state law.



# Division 23-8D-2: Transportation Infrastructure Improvements

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## Contents

23-8D-2010	Tier 1 System Improvements.....	1
23-8D-2020	Tier 2 System Improvements.....	2
23-8D-2030	Nexus Standards.....	2
23-8D-2040	Fee In-Lieu of System Improvements.....	4
23-8D-2050	Reduced Transportation Mitigation.....	4

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## 23-8D-2010 Tier 1 System Improvements

- (A) **Purpose and Applicability.** If a development application requires comprehensive transportation review under Division 23-8C-2 (Comprehensive Transportation Review), the director may condition approval of the application on a requirement to construct, dedicate, or fund transportation infrastructure improvements consistent with the requirements of this section.
- (B) **Scope of Required Improvements.**
  - (1) Subject to the limitations in Section 23-8D-2030 (Nexus Standards) and Division 23-8A-2 (Proportionality of Transportation System Improvements), the director may require an applicant to:
    - (a) Construct or dedicate a system improvement identified in an analysis prepared for the project under Section 23-8C-2030 (Transportation Impact Analysis), provided that the improvement is located within:
      - (i) One-quarter mile of the proposed development site; or
      - (ii) Three-quarter miles of the proposed development site, if the identified improvement provides access between the proposed development and a school, transit stop, public space, or major street consistent with the Transportation Plan; and
    - (2) Fund a system improvement identified in the transportation impact analysis, regardless of its distance from the proposed development.
  - (2) Fund a system improvement identified in the transportation impact analysis, regardless of its distance from the proposed development.
- (C) **Timing of Improvement.** If the director requires one or more system improvements under Subsection (B), the director or body responsible for approving the application may:
  - (1) Require an improvement to be built or funded concurrent with development approved by the initial application associated transportation impact analysis; or
  - (2) Defer the obligation to build or fund the improvement until the City's action on a subordinate development application.

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## 23-8D-2020 Tier 2 System Improvements

- (A) **Purpose and Applicability.** If a development application does not require comprehensive transportation review under Division 23-8C-2 (Comprehensive Transportation Review), the director may condition approval of the application on a requirement to construct, dedicate, or fund transportation infrastructure consistent with the requirements of this section.
- (B) **Scope of Required Improvements.** Subject to the limitations in Section 23-8D-2030 (Nexus Standards) and Division 23-9A-2 (Proportionality of Transportation System Improvements), the director may require an applicant to construct, fund, or dedicate a system improvement that meets the requirements of this section.
- (1) Required system improvements must be located within:
    - (a) One-quarter mile of the proposed development site; or
    - (b) Three-quarter miles of the proposed development site, if the identified improvement provides access between the proposed development and a school, transit stop, public space, or major street consistent with the Transportation Plan.
  - (2) Required system improvements must 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; or
    - (j) Transit facility improvements.
- (C) **Timing of Improvement.** If the director requires one or more infrastructure improvements under Subsection (B), the director or body responsible for approving the application may:
- (1) Require an improvement to be built or funded concurrent with development approved by the initial application associated with the transportation impact analysis; or
  - (2) Defer the obligation to build or fund the improvement until the City's action on a subordinate development application.

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## 23-8D-2030 Nexus Standards

- (A) **Purpose and Applicability.**
- (1) To ensure that a required transportation improvement is reasonably related to the development for which it is required, this section prescribes criteria that must be

met in order for the director to require an applicant to construct, dedicate, or fund a system improvement.

- (2) This section applies to all system improvements, whether or not they are required under Section 23-8D-2010 (Tier 1 System Improvements) or Section 23-8D-2020 (Tier 2 System Improvements).
- (B) Nexus Standards. An applicant may not be required to construct, dedicate, or fund a system improvement listed below unless the corresponding standard is met.

System Improvement	Nexus Standard
Sidewalks and Curb Ramps	Must be on a path to a school, transit stop, or public space, on facilities designated Level 2, 3, 4 or 5 in the Transportation Plan, and within 1,000 feet of the site boundary necessary to complete a gap in sidewalk connectivity or upgrade existing facilities.
Traffic signs, Markings, and Upgrades to Signal Infrastructure	Must serve the adjacent intersections to the site (i.e. nearest intersections in any direction to access the site).
Traffic Calming Devices	Must meet eligibility requirements per the City's Speed Management Program or its successor.
Bike Lanes or Upgrades to Bike Facilities	Must be: (1) on a path designated in the Bicycle Master Plan's AAA network to a school, bus stop, public space, or Level 3, 4 or 5 facilities, as designated in the Transportation Plan; or (2) be within 1,000 feet of the site boundary to complete a gap in bike connectivity.
Rectangular Rapid Flashing Beacons	Must meet eligibility requirements per the City's Pedestrian Crossing Program or its successor.
Pedestrian Refuge Islands	Must serve adjacent intersections to the site (i.e. nearest intersections in any direction to access the site).
Pedestrian Hybrid Beacons	Must be: (1) recommended by a TIA or other study approved under the TCM and identified in the Transportation Plan or other adopted plan; or (2) located between the site and a school, transit stop, or other significant pedestrian generator.
Urban Trail Improvements	Must be: (1) designated in the Urban Trails Master Plan as a Tier 1 or Tier 2 facility and required to complete an existing gap of 1000' or less in the trail system; or (2) provide connection to an existing street.
Right-of-Way Dedications	Must be: (1) the full width of ROW required by the Transportation Plan, if the facility is new; or (2) ½ of the required ROW from the centerline of the existing street alignment.

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TDM Measures	Must be established by a TDM Plan, with corresponding reductions in trip counts determined under the TCM and applied to reduce the applicant's obligations under Division 23-9A-2 (Proportionality of Transportation System Improvements).
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### 23-8D-2040 Fee In-Lieu of System Improvements

- (A) **Criteria for Allowing Fee In-Lieu.** The director may allow an applicant to pay a fee in-lieu of constructing one or more system improvements required under this division. In determining whether to allow payment of a fee in-lieu or to require construction of a system improvement, the applicable director shall consider:
- (1) The applicant's roughly proportionate share of infrastructure costs, as determined under Section 23-8A-1010 (Proportionality of System Improvements), 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 potential improvements that may result from the approval of proposed development in the surrounding area; 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) **Use of Fee In-Lieu.** After collecting a fee in-lieu under Subsection (A), the director shall:
- (1) Place the fee in a dedicated fund to be used solely for the purpose of constructing one or more system improvements identified under Section 23-8D-2010 (Tier 1 System Improvements) or Section 23-8D-2020 (Tier 2 System Improvements); and
  - (2) Expend the fee within ten years from the date it is paid to the City, consistent with the purpose described in Subsection (B)(2), or refund the fee at the request of the applicant who paid the fee.

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### 23-8D-2050 Reduced Transportation Mitigation

- (A) **Affordable Housing.** In order to encourage the development of affordable housing, this subsection reduces the total contribution towards transportation infrastructure improvements that may be required for a development certified under Article 23-4E (Affordable Housing).
- (1) If the development does not require review under Division 23-8C-2 (Comprehensive Transportation Review), the total value of system improvements that may be required under this division is reduced by the following amounts:

- (a) If at least ten percent, but less than twenty percent, of the dwelling units are affordable, the maximum cost is reduced by the percentage of affordable units;
  - (b) If at least twenty percent, but less than fifty percent, of the dwelling units are affordable, the maximum cost is reduced by fifty percent; and
  - (c) If at least fifty percent of the dwelling units are affordable, no transportation infrastructure improvements may be required.
- (2) If the development requires review under Section 23-8C-2 (Comprehensive Transportation Review), the total value of system improvements that may be required under this division is reduced based on the requirements of Division 23-4E-5 (Additional Affordable Housing Incentives).

**(B) Transportation Demand Management Plan.**

- (1) At the request of an applicant, the director may reduce the total value of system improvements required under this division if:
- (a) The director determines that one or more of the strategies established in a transportation demand management plan approved under Section 23-8C-2020 (Transportation Demand Management) will substantially reduce the number of vehicle trips generated by the development; and
  - (b) Approval of the development application is conditioned on compliance with the transportation demand management plan, as authorized under Division 23-8D-1 (Action on Development Application).
- (2) In reducing the value of required mitigation under this section, the director shall:
- (a) Consider the location, layout, and context of the proposed development; and
  - (b) Base the amount of the reduction on anticipated vehicle-trip reductions established for the TDM Program in the Transportation Criteria Manual.

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# Article 23-8E: Right-Of-Way Construction

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## Contents

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### **Division 23-8E-1: General Provisions**

23-8E-1010 Purpose and Applicability

---

### **Division 23-8E-2: Construction License**

23-8E-2010 Licensure Requirements  
23-8E-2020 License Application and Bond  
23-8E-2030 License Approval Standard  
23-8E-2040 License Term; Suspension and Revocation

---

### **Division 23-8E-3: Right-Of-Way Permit**

23-8E-3010 Right-of-Way Permit Required  
23-8E-3020 Permit for Driveway Approach  
23-8E-3030 Driveway Approach Design  
23-8E-3040 Violations and Enforcement

---

### **Division 23-8E-4: General Design and Maintenance Requirements**

23-8E-4010 Compliance Required  
23-8E-4020 Design and Construction Standards  
23-8E-4030 Establishing Line and Grade  
23-8E-4040 Alternate Materials, Designs, and Construction Standards  
23-8E-4050 Removing Existing Curb Openings or Driveway Approaches  
23-8E-4060 Relocation or Replacement of Facilities and Trees  
23-8E-4070 Inspection Procedures  
23-8E-4080 Street Maintenance  
23-8E-4090 Driveway Approach Maintenance  
23-8E-4100 Defective Conditions or Special Uses

---

### **Division 23-8E-5: Driveways and Alleys**

23-8E-5010 Existing Driveways  
23-8E-5020 Driveway Closure and Curb Construction  
23-8E-5030 Alleys

---

### **Division 23-8E-6: Sidewalks, Urban Trails, and Street Trees**

23-8E-6010 General Sidewalk Requirements  
23-8E-6020 Fee In-Lieu of Sidewalk Construction  
23-8E-6030 Urban Trails  
23-8E-6040 Street Tree Requirements

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# Division 23-8E-1: General Provisions

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## Contents

23-8E-1010	Purpose and Applicability .....	1
------------	---------------------------------	---

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### **23-8E-1010 Purpose and Applicability**

- (A) This article protects public health and safety by prohibiting work in public right-of-way without approval by the City and by requiring that all work in the public right-of-way meet City standards and be performed by individuals with sufficient expertise.
- (B) This article applies to any activity in the public right-of-way that disturbs or removes pavement, soil, or public infrastructure, including work affecting a driveway, street, alley, sidewalk, urban trail, or other public right-of-way.

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# Division 23-8E-2: Construction License

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## Contents

23-8E-2010	Licensure Requirements. . . . .	1
23-8E-2020	License Application and Bond. . . . .	1
23-8E-2030	License Approval Standard . . . . .	2
23-8E-2040	License Term; Suspension and Revocation. . . . .	2

---

## 23-8E-2010 Licensure Requirements

- (A) In order to perform an activity that removes or otherwise disturbs soil, pavement, driveways, curbs, or sidewalks in the right-of-way, a person must:
  - (1) Obtain a permit to perform the work under Division 23-8E-3 (Right-of-Way Permit), in a manner prescribed by the director; and
  - (2) Have a right-of-way construction license issued under this division, including all terms required by Section 23-8E-2020 (License Application and Bond).
- (B) A permit applicant is responsible for demonstrating that a person performing activities described in Subsection (A), whether the applicant or an agent, 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 the license and may not transfer or assign the license.

---

## 23-8E-2020 License Application and Bond

- (A) To obtain a right-of-way construction license, a person must:
  - (1) Submit an application in a manner prescribed by the director;
  - (2) Pay the applicable license fee, as established by separate ordinance, except that a fee is not required for a franchise holder;
  - (3) Provide a bond that is:
    - (a) For in an amount established by the director based on:
      - (i) The cost of the applicant’s past projects and the projected cost of future projects; and
      - (ii) The potential damage to a right-of-way that the activity of the applicant may cause.
    - (b) On form approved by the city attorney; and
    - (c) Payable to the City and issued by a surety issued to do business in the state of Texas.

- (B) In addition to the requirements in Subsection (A), a bond provided for licensure under this division must:
  - (1) Be 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) Hold the principal responsible for protecting the City and all persons from damage or injury arising from:
    - (a) Negligence in the performance of work under the contract;
    - (b) Failure to faithfully observe and comply with the City requirements for construction or repair work.
  - (3) Be effective for the term of the license.

---

**23-8E-2030 License Approval Standard**

- (A) The director shall approve a license if the director determines that:
  - (1) The applicant is qualified to perform the work based on the applicant's experience and credentials; and
  - (2) The applicant has provided the bond required by Section 23-8E-2020 (License Application and Bond).

---

**23-8E-2040 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 23-8E-2010 (License Requirements) until the director reinstates or renews the license or issues a new license.
- (C) The director may suspend or revoke a license based on the licensee's failure to follow permit terms or conditions.

# Division 23-8E-3: Right-Of-Way Permit

---

## Contents

23-8E-3010	Right-of-Way Permit Required.....	1
23-8E-3020	Permit for Driveway Approach .....	1
23-8E-3030	Driveway Approach Design .....	2
23-8E-3040	Violations and Enforcement .....	2

---

## 23-8E-3010 Right-of-Way Permit Required

- (A) Except as provided by Subsection (B), a person must obtain a right-of-way permit in compliance with Chapter 14-11 (Use of Right-of-Way) in order to:
  - (1) Perform an activity that removes or otherwise disturbs soil, pavement, driveways, curbs, or sidewalks in the right-of-way; or
  - (2) Block, direct, impede, or reroute pedestrian and vehicular traffic; or
  - (3) Place a barricade or other traffic control device in a right-of-way.
- (B) An application for a right-of-way permit must be submitted by a licensed contractor, consistent with Section 23-8E-2020 (License Application and Bond).
- (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 compliance with an approved site plan; or
  - (2) Is performed as part of the construction of a new subdivision plan, provided that the construction:
    - (a) Is included on the subdivision's approved street and drainage construction plans; and
    - (b) Is proposed to occur at the same time construction of the street and drainage systems occurs; or
  - (3) Is a minor repair or construction, as determined by the 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 section.

---

## 23-8E-3020 Permit for Driveway Approach

- (A) Except as provided in Subsection (C), the director may approve a driveway approach for a lawfully existing or proposed land use if the director determines that the proposed driveway will not adversely affect vehicle and pedestrian traffic or pose a threat to public safety.

- (B) To determine whether a driveway meets the standard for approval under Subsection (A), the director shall consider:
  - (1) Topography of the site proposed for development and the right-of-way to be accessed;
  - (2) Proposed and existing uses, 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) Location of nearby streets or driveways;
  - (5) Development proposed by a site plan or other permit application, including the uses, on-site circulation, path delineation, the existence of parking stalls, building location, and loading facility location; and
  - (6) Potential increase in traffic routed onto a street as a result of the driveway installation.
- (C) The 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; or
  - (3) A stand-alone driveway not associated with a land use.
- (D) An applicant may not construct a type 2 driveway approach, as 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).

---

### **23-8E-3030 Driveway Approach Design**

- (A) The design of a driveway approach must:
  - (1) Comply with an approved administrative site plan; or
  - (2) Be approved by the director in compliance with the Transportation Criteria Manual.

---

### **23-8E-3040 Violations and Enforcement**

- (A) **Grounds for Violation.** It is an offense and violation of this division:
  - (1) To perform work for which a permit is required under this division:
    - (a) Without obtaining a permit; or
    - (b) In violation of the permit or the requirements of this division; or

- (2) To use or maintain improvements of any kind, including a driveway, which are installed or constructed in the right-of-way in violation of this division.
- (B) **Director's Authority.** In addition to taking actions authorized under Article 23-2j (Enforcement), the director may:
- (1) 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;
  - (2) Suspend or revoke a permit issued under this division if the applicable director determines that the permittee has violated the terms of the permit; and
  - (3) 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.
- (C) **Automatic Suspension; Reinstatement.**
- (1) A permit issued under this division is automatically suspended if:
    - (a) 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, communications equipment, or a tree; and
    - (b) The permittee failed to obtain consent of the owner of the utility equipment or service, storm water drainage facility, public structure, traffic signal system, communications equipment, or tree before performing the construction activity.
  - (2) The director may not reinstate a permit unless the permit holder has:
    - (a) Provided compensation for or made repairs to the satisfaction of the entity that owns the affected infrastructure; and
    - (b) Eliminated the interference.

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# Division 23-8E-4: General Design and Maintenance Requirements

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## Contents

23-8E-4010	Compliance Required . . . . .	1
23-8E-4020	Design and Construction Standards . . . . .	1
23-8E-4030	Establishing Line and Grade . . . . .	1
23-8E-4040	Alternate Materials, Designs, and Construction Standards. . . . .	2
23-8E-4050	Removing Existing Curb Openings or Driveway Approaches . . . . .	2
23-8E-4060	Relocation or Replacement of Facilities and Trees. . . . .	2
23-8E-4070	Inspection Procedures . . . . .	2
23-8E-4080	Street Maintenance . . . . .	3
23-8E-4090	Driveway Approach Maintenance. . . . .	3
23-8E-4100	Defective Conditions or Special Uses. . . . .	3

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## 23-8E-4010 Compliance Required

- (A) Construction authorized by a permit issued under this article must comply with the requirements of Section 23-5B-6030 (Construction Management and Certification) and with this chapter.
- (B) The permittee shall retain general supervision of all work performed under a permit issued under this article.

---

## 23-8E-4020 Design and Construction Standards

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

---

## 23-8E-4030 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.

---

### 23-8E-4040    **Alternate Materials, Designs, and Construction Standards**

- (A) The 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 of this article and the Transportation Criteria Manual.
- (B) Materials, designs, or methods of construction approved under Subsection (A) must be used and installed in compliance with the terms of approval.

---

### 23-8E-4050    **Removing Existing Curb Openings or Driveway Approaches**

- (A) A person who constructs a new driveway approach shall:
  - (1) Remove an existing curb opening or driveway approach on the same property if the opening or approach is not required;
  - (2) Match a new curb, gutter, or sidewalk, to the existing adjoining curb grade and alignment; and
  - (3) Install a new curb, gutter, or sidewalk, if required, at the same time that the new driveway approach is installed.

---

### 23-8E-4060    **Relocation or Replacement of Facilities and Trees**

- (A) A permittee shall pay the cost of relocating a public utility's storm water drainage improvement, water and waste water mains and facilities, electrical equipment, traffic signal equipment, communications equipment, or trees required by the permittee's proposed construction.
- (B) If trees protected under Article 23-4C (Urban Forest Protection and Replenishment) are present, compliance with urban forest standards may be required.

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### 23-8E-4070    **Inspection Procedures**

- (A) **Inspection Procedures.** The director shall establish procedures, consistent with this section, for inspecting construction authorized by a permit issued under this article.
- (B) **Phase 1 Inspection.** Shall include all elements covered by the permit, including inspection of materials, material testing, line and grade, forms, reinforcing steel, drainage, and subgrade before a final course of material is placed;
- (C) **Phase 2 Inspection.** Shall constitute the final inspection of finished construction, including site cleanup.
- (D) **Submittal Requirements.** Plans for right-of-way construction that are associated with a site plan or subdivision application must be:
  - (1) Prepared by a professional engineer licensed in Texas;
  - (2) Submitted to the Development Services Department;

- (3) Sufficient to convey the full intent of the designer according to current professional standards for working documents; and
- (4) Reviewed and approved by the appropriate City department prior to submittal for inspection.

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**23-8E-4080 Street Maintenance**

- (A) The director shall repair and maintain streets and transportation facilities in the right-of-way.

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**23-8E-4090 Driveway Approach Maintenance**

- (A) A 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 and shall keep such driveway approach in a good and safe condition, free from any defects and hazards of any kind or character.

---

**23-8E-4100 Defective Conditions or Special Uses**

- (A) A person making special use of a sidewalk, pedestrian way, curb, gutter, or driveway approach for the purpose of ingress or egress, downspout drains, or any other special use of any character, shall keep such sidewalk, pedestrian way, curb, gutter, or driveway approach in a good and safe condition and free from any defects and hazards of any kind and character.

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# Division 23-8E-5: Driveways and Alleys

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## Contents

23-8E-5010	Existing Driveways. . . . .	1
23-8E-5020	Driveway Closure and Curb Construction. . . . .	1
23-8E-5030	Alleys . . . . .	1

---

### **23-8E-5010 Existing Driveways**

- (A) The director shall require an existing driveway to conform with this article and the Transportation Criteria Manual as a condition to approval of a zoning, site plan, or limited site plan application.
- 

### **23-8E-5020 Driveway Closure and Curb Construction**

- (A) Consistent with the Transportation Criteria Manual, the director may require a driveway closing or curb construction as a condition to approval of a development or zoning application.
  - (B) The director may require partial or complete closure of an existing driveway, consistent with the Transportation Criteria Manual, if the director determines that impacts of the driveway on the adjoining street network pose a threat to public safety.
- 

### **23-8E-5030 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 director.
- (B) The 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 a development application.

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# Division 23-8E-6: Sidewalks, Urban Trails, and Street Trees

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## Contents

23-8E-6010	General Sidewalk Requirements . . . . .	1
23-8E-6020	Fee In-Lieu of Sidewalk Construction . . . . .	2
23-8E-6030	Urban Trails . . . . .	2
23-8E-6040	Street Tree Requirements . . . . .	3

---

## 23-8E-6010 General Sidewalk Requirements

- (A) **Sidewalks Required.** Sidewalks must be dedicated and installed as a condition to development approval, as required under this section.
  - (1) **New Subdivisions.** For new subdivisions or re-subdivisions, sidewalks shall be dedicated on the plat and installed:
    - (a) Concurrently with the construction or improvement of adjacent streets within the subdivision; or
    - (b) In conformance with a phasing plan that provides pedestrian access which meets the standards of the Americans with Disabilities Act (ADA):
      - (i) from the boundaries of the subdivision to any transit stop, park, or place of accommodation regulated by the ADA that is located within the subdivision;
      - (ii) from the boundaries of the subdivision to any multi-family building within the subdivision that is subject to Fair Housing Act Accessibility requirements and has received a certificate of occupancy, and;
      - (iii) from the boundaries of the subdivision to any lot or building that has received a certificate of occupancy within two years from the installation of the adjacent subdivision street.
  - (2) **Existing Subdivisions.** For development within a platted subdivision, required sidewalks shall be dedicated as a condition to approval of a site plan or building permit and must be installed prior to the issuance of:
    - (a) A certificate of occupancy for:
      - (i) A new building, regardless of land use;
      - (ii) An addition to an existing single-family, single-family attached, duplex, or accessory dwelling unit that increases the gross floor area of the original structure by 50 percent or more; or
      - (iii) All nonresidential development, unless the improvements are limited to renovating or remodeling an existing structure consistent with the limitations established in Article 23-2H (Nonconformity); and
    - (b) A permit to relocate a building from one site to another.

- (3) **Unplatted Land.** For development on land exempt from the requirement to plat under Section 23-5A-1040 (Platting Exemptions), required sidewalks shall be dedicated and installed as required for development within an existing subdivision under Subsection (A)(2).
- (B) **Installation Requirements.** A sidewalk must be:
  - (1) Located along the front of lots and the street-side of corner lots;
  - (2) Constructed in accordance with the Transportation Criteria Manual, including minimum requirements for the location and width of a sidewalk and the installation of drainage facilities and pedestrian ramps; and
  - (3) Separately permitted under Section 23-8E-3010 (Right-of-Way Permit Required), except that a separate permit is not required if sidewalk construction is approved as part of a subdivision construction plan or located within an easement.

---

### **23-8E-6020    Fee In-Lieu of Sidewalk Construction**

- (A) The director may allow an applicant to pay a fee for the construction of off-site sidewalks or urban trails in lieu of installing all or part of the sidewalk improvements required under Section 23-8E-6010 (General Sidewalk Requirements).
- (B) In determining whether to allow payment of a fee in-lieu, the director shall consider:
  - (1) Proximity to the nearest existing sidewalk;
  - (2) Proximity to civic uses, such as schools, libraries, and government buildings;
  - (3) Whether future sidewalk improvements in the general vicinity of the proposed development are:
    - (a) Designated in the Transportation Plan, the City sidewalk plan, or a neighborhood plan; or
    - (b) Likely to be installed as a result of anticipated development; and
  - (4) Topographical or other site constraints that impact the cost or feasibility of installing a sidewalk.
- (C) The amount of a fee in-lieu paid under this section shall be based on the cost of sidewalk construction and shall be established in the Transportation Criteria Manual or by separate ordinance.
- (D) A fee collected under this section must be placed in a designated fund to be used solely for installing pedestrian facilities within the service area in which the development is located. The City shall expend a fee for this purpose within 10 years from the date it is collected or refund the fee at the request of the applicant.

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### **23-8E-6030    Urban Trails**

- (A) The dedication, installation or improvement of an urban trail shall be required when identified within an adopted urban trail plan and shall comply with the Transportation Criteria Manual.



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**23-8E-6040 Street Tree Requirements**

- (A) If development approval requires installation of sidewalks under Section 23-8E-6010 (General Sidewalk Requirements), street trees must be planted or installed concurrent with sidewalk installation consistent with applicable requirements of the Environmental Criteria Manual and the Transportation Criteria Manual.

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# Article 23-8F: Street Design

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## Contents

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### **Division 23-8F-1: General Provisions**

- 23-8F-1010 Purpose and Applicability
  - 23-8F-1020 Standards for Design and Construction
  - 23-8F-1030 Street Names and Addresses
  - 23-8F-1040 Traffic Control Devices
- 

### **Division 23-8F-2: Access to Major Streets**

- 23-8F-2010 Minimum Frontage for Major Streets
  - 23-8F-2020 Property Subject to Condemnation
  - 23-8F-2030 Joint-Use Driveways
- 

### **Division 23-8F-3: Street Layout**

- 23-8F-3010 Purpose and Applicability
- 23-8F-3020 Street Layout and Alignment
- 23-8F-3030 Access Streets
- 23-8F-3040 Dead End Streets
- 23-8F-3050 Block Dimensions
- 23-8F-3060 Through Lots and Alleys

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# Division 23-8F-1: General Provisions

---

**Contents**

23-8F-1010 Purpose and Applicability . . . . . 1  
23-8F-1020 Standards for Design and Construction . . . . . 1  
23-8F-1030 Street Names and Addresses . . . . . 1  
23-8F-1040 Traffic Control Devices . . . . . 2

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**23-8F-1010 Purpose and Applicability**

- (A) This article establishes minimum standards for street design, including access and layout, which are intended to ensure a uniform street network that can be served with public facilities and services and provides multi-modal transportation options appropriate to the context of new development.
- (B) Except as otherwise provided, the requirements of this article apply at any stage of the development process for which the dedication, construction, or improvement of streets and public right-of-way is required under this Title.

---

**23-8F-1020 Standards for Design and Construction**

- (A) **Generally Applicable Requirements.**
  - (1) All streets must comply with the Transportation Plan.
  - (2) Except as provided in Subsections (B) and (C), all streets, street intersections, and alleys, whether public or private, must be designed, constructed, and maintained in compliance with the Transportation Criteria Manual and City of Austin Standards and Standard Specifications.
- (B) **Reductions in Street Width.** The director may approve a street that is less than the width required under Subsection (A) if:
  - (1) The proposed development is limited to one side of the street; or
  - (2) A narrower width is warranted by topographical conditions, a drainage channel, proposed limited development on one side of the street, or other special condition.
- (C) **Compliance with County Standards.** A street or alley must be designed and constructed in compliance 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 per acre.

---

**23-8F-1030 Street Names and Addresses**

- (A) 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.

- (B) The director may not assign city addresses to private streets.

---

**23-8F-1040 Traffic Control Devices**

- (A) All signs and 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 current edition of the Texas Manual of Uniform Traffic Control Devices.
- (B) An applicant for a subdivision or other development approval require the dedication or improvement of streets shall:
  - (1) Provide street name signs for intersections with traffic signals; and
  - (2) Provide and install pole mounted street name signs at street intersections without traffic signals.

# Division 23-8F-2: Access to Major Streets

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## Contents

23-8F-2010	Minimum Frontage for Major Streets. . . . .	1
23-8F-2020	Property Subject to Condemnation . . . . .	2
23-8F-2030	Joint-Use Driveways . . . . .	2

---

## 23-8F-2010 Minimum Frontage for Major Streets

- (A) **Applicability.** This section establishes requirements for access from development approved under this title to a “major street,” as the term is defined in Section 23-8A-1060 (Definitions).
- (B) **Existing Streets.**
  - (1) Except as provided in Subsection (B)(2), a subdivision plat or a site plan may not provide for direct access from a lot to a major street unless the lot contains 330 feet or more of frontage on the major street and alternative access is not available.
  - (2) The director shall permit access to a major street from a property with less than 330 feet of frontage on a major street if the property is subject to right-of-way condemnation and if:
    - (a) The property possessed more than 330 feet of frontage on the street before condemnation;
    - (b) The proposed driveway is not located in a controlled access area;
    - (c) The proposed driveway is the lesser of 100 feet or 60 percent of the frontage from the intersection; and
    - (d) The director determines that the driveway does not create a public safety hazard.
  - (3) If two adjoining lots lack the minimum frontage required to allow a separate driveway on each lot, the director may waive the minimum frontage requirement if:
    - (a) Access to each lot is provided through a shared joint-use driveway; and
    - (b) An agreement for joint maintenance of the driveway, in a form approved by the city attorney, is executed by the owners of each lot.
- (C) **Planned or Newly Constructed Streets.**
  - (1) A subdivision plat or a site plan may not provide a full-purpose driveway on a major street unless the 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.
  - (2) If a full-purpose driveway is not approved under conditions in Subsection (C)(1), a right-in, right-out driveway may be allowed if the director approves an engineering study submitted by the applicant’s engineer that demonstrates its safety based on geometric and traffic analyses.

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**23-8F-2020    Property Subject to Condemnation**

- (A) 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.

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**23-8F-2030    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 allowed as an alternative to direct access to an abutting public or private street.
- (C) A joint-use driveway may be used as alternative access for single-family residential uses only if the joint-use driveway:
  - (1) Serves less than eight lots
  - (2) Provides for safe access,
  - (3) Is designed in compliance with the Transportation Criteria Manual; and
  - (4) Memorialized in an easement approved by the city attorney.



# Division 23-8F-3: Street Layout

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**Contents**

23-8F-3010 Purpose and Applicability ..... 1  
23-8F-3020 Street Layout and Alignment..... 1  
23-8F-3030 Access Streets ..... 2  
23-8F-3040 Dead End Streets..... 2  
23-8F-3050 Block Dimensions ..... 3  
23-8F-3060 Through Lots and Alleys..... 4

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**23-8F-3010 Purpose and Applicability**

- (A) The purpose of this article is to provide for an integrated, orderly, and connected street network that can accommodate new growth and development, while continuing to serve the needs of established neighborhoods and urban centers.
- (B) This article applies to land included in an application for approval of:
  - (1) Zoning or rezoning;
  - (2) Preliminary plan or final plat; or
  - (3) A site plan or site plan revision.

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**23-8F-3020 Street Layout and Alignment**

- (A) **Layout.**
  - (1) The arrangement of streets shall provide for the alignment and continuation of existing or proposed streets into adjoining lands that are:
    - (a) Undeveloped and intended for future development; or
    - (b) Developed and include opportunities for connections to existing and proposed streets.
  - (2) Street rights-of-way shall be extended to or along adjoining property boundaries to provide a street connection or street 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.**
  - (1) Streets shall be aligned with and connect to existing streets on adjoining properties.
  - (2) Streets shall be stubbed to adjoining properties only when connection is not possible.
  - (3) A stubbed-out street shall include signage indicating that it is a location for a future street extension.

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### **23-8F-3030 Access Streets**

- (A) Except as otherwise provided in this section:
  - (1) A subdivision or site plan shall have at least two points of access; and
  - (2) Each point of access shall connect to a different external street.
- (B) A subdivision or site plan may have only one point of access if the director determines that:
  - (1) The access street provides access to not more than 30 dwelling units;
  - (2) The subdivision or site plan provides additional pedestrian and bicycle 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 identified as Wildland-Urban Interface as shown on the Austin Fire Department Wildfire Risk map;
  - (2) Does not cross a low water crossing; and
  - (3) Does not contain slopes in excess of 10 percent.
- (D) A subdivision or site plan may have only one point of access if the director determines that providing more than one access street is undesirable, unnecessary, or impractical based on:
  - (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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### **23-8F-3040 Dead End Streets**

- (A) Dead end streets are prohibited unless the director determines that topography, natural features, or unusual conditions make connection to an existing or proposed street infeasible.
- (B) If allowed by the director, a dead end street must:
  - (1) Be no longer than 300 feet;
  - (2) Include a central planted median; and
  - (3) Include at least one public multi-use trail easement located 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 approved by the city attorney and must be at least 15 feet wide and limited to pedestrians, bicycles and similar users.

**23-8F-3050 Block Dimensions**

(A) **Block Shape and Size.** Individual block faces and the total block perimeter shall comply with the standards established in Table 23-8F-3050(A): (Block Shape and Size).

**Table 23-8F-3050(A): Block Shape and Size**

Zoning Districts	Face length max	Perimeter max
Regional Center (CC, UC, DC) Zones	350'	1400'
Main Street, Mixed-Use, Residential Multi-Unit, Residential House-Scale (R1, R2C, R3, R4) Zones	600'	1600'
Residential House-Scale (R2A, R2B) Zones	900'	2400'
Commercial, Industrial, Residential House-Scale (RR,LA) Zones	1320'	5000'

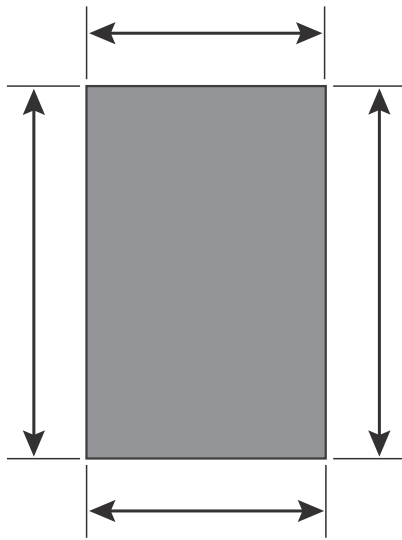


Figure 23-8F-1050(1): Regularly-shaped block

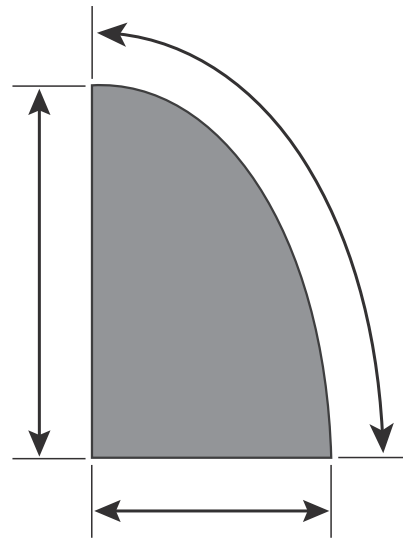


Figure 23-8F-1050(2): Irregularly-shaped block

(B) **Rules for Applying Table 23-8F-3050 (Block Shape and Size).**

- (1) If a block contains multiple zones, the least restrictive zone shall be used to establish the requirements for block size.
- (2) Irregularly-shaped blocks shall meet the overall perimeter established in Table 23-8F-3050(A) Block Shape and Size).
- (3) A block that is more than 600 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, which must be on a form approved by the city attorney, shall be at least 15 feet wide and limited to pedestrians, bicycles, and similar users.

- (C) **Administrative Modifications.** An applicant may request an administrative modification to a restriction in Table 23-8F-3050(A) or Subsection (B)(3). The director may approve the modification, consistent with the criteria in Section 23-8A-1040 (Administrative Modifications), if the proposed design provides adequate multi-modal traffic circulation and utility service and conforms with the Comprehensive Plan.
- (D) **Exemptions from Maximum Block Size.** Compliance with the maximum block size required by this section is not required for a block front adjacent to a Hill Country Roadway if compliance would divide the property in a manner inconsistent with Section 23-3C-10090 (Hill Country Roadway Overlay Zone) or state highway access spacing requirements.

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## 23-8F-3060 Through Lots and Alleys

- (A) **Through Lots.**
  - (1) A through lot in a Residential House-Scale Zone is not allowed, unless access to one of the abutting streets is prohibited.
  - (2) If a through lot abuts a major street, access to the major street is prohibited unless the director determines that topography or property size justify access to the major street.
- (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 and memorialized in a manner approved by the city attorney.

# Article 23-8G: Road Utility Districts

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## Contents

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### **Division 23-8G-1: Approval of Petition**

- 23-8G-1010 Purpose and Applicability
  - 23-8G-1020 Pre-Application Process
  - 23-8G-1030 Contents of Petition
  - 23-8G-1040 Conditions for Approval
  - 23-8G-1050 Review Process
  - 23-8G-1060 Council Review and Action
  - 23-8G-1070 Annexation Petitions and Petitions for Construction of Facilities Outside the Road Utility District
- 

### **Division 23-8G-2: Construction of Facilities**

- 23-8G-2010 Submittal of Construction Plans
- 23-8G-2020 Approval of Bond-Financed Activities
- 23-8G-2030 Construction Inspection
- 23-8G-2040 Notice of Conveyance
- 23-8G-2050 Representation by City Manager

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# Division 23-8G-1: Approval of Petition

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## Contents

23-8G-1010	Purpose and Applicability .....	1
23-8G-1020	Pre-Application Process .....	1
23-8G-1030	Contents of Petition .....	2
23-8G-1040	Conditions for Approval .....	2
23-8G-1050	Review Process .....	2
23-8G-1060	Council Review and Action .....	3
23-8G-1070	Annexation Petitions and Petitions for Construction of Facilities Outside the Road Utility District .....	3

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## 23-8G-1010 Purpose and Applicability

- (A) This division applies to a petition by a proposed road utility district for approval or modification of a preliminary plan for a street 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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## 23-8G-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 applicable City of Austin 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

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### **23-8G-1030    Contents of Petition**

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

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### **23-8G-1040    Conditions for Approval**

- (A) The council may approve a petition filed under Section 23-8G-1030 (Contents Of Petition) if:
  - (1) The preliminary plan is consistent with the Transportation Plan;
  - (2) Proposed street construction and improvements comply with city requirements for streets and drainage;
  - (3) The construction and improvement of streets 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 street 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 preliminary plan demonstrates the applicant's financial ability to complete construction of a proposed street; and
  - (6) If a preliminary plan proposes to convey an existing street or street under construction to the city, the plan demonstrates that the street 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.

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### **23-8G-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.

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**23-8G-1060 Council Review and Action**

- (A) The city 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.

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**23-8G-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 street 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 23-8G-1040 (Conditions for Approval).
- (C) The city council may shorten the time period for consideration of a petition.

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# Division 23-8G-2: Construction of Facilities

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## Contents

23-8G-2010	Submittal of Construction Plans . . . . .	1
23-8G-2020	Approval of Bond-Financed Activities . . . . .	1
23-8G-2030	Construction Inspection . . . . .	1
23-8G-2040	Notice of Conveyance . . . . .	2
23-8G-2050	Representation by City Manager . . . . .	2

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### **23-8G-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 to the director for review at least 45 days before construction begins.
  - (B) The director shall schedule a meeting between city staff 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.
- 

### **23-8G-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 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 director and shall submit four sets of revised plans for review by the director.
  - (D) The director shall approve the plans if the plans comply with the city specifications.
- 

### **23-8G-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) The Road Utility District shall retain the services of a firm experienced in construction inspection and quality control. The director must approve the scope of services to be performed by the firm. 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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- (C) City staff shall make periodic visits to the construction site to observe the progress and quality of the work and to determine if the work is proceeding according to the plans and specifications. The director may review all laboratory, shop, and mill tests of materials conducted by the Road Utility District at any time. If the work does not comply with the construction plans, the director shall give notice to the Road Utility District of its failure to comply and may give notice that approval the construction plans may be suspended and appropriate enforcement actions taken unless the work is brought into compliance within a specific period.

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**23-8G-2040    Notice of Conveyance**

- (A) 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.

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**23-8G-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.