

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 25-6 OF THE CITY CODE
RELATING TO SIDEWALKS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-6-351 (*Sidewalk Installation In Subdivisions*) of the City Code is amended to amend Subsections (B) and (D) to read:

(B) The director [~~Land Use Commission~~] may waive the requirement to install a sidewalk based on criteria in the Transportation Criteria Manual.

(D) Except as provided in Section 25-6-354 (*Payment Instead Of Sidewalk Installation*), the [~~The~~] accountable official may not issue a certificate of occupancy or certificate of compliance until a sidewalk required under this division is installed.

PART 2. Section 25-6-352 (*Sidewalk Installation With Site Plans*) of the City Code is amended to add Subsection (C) to read:

(C) Except as provided in Section 25-6-354 (*Payment Instead Of Sidewalk Installation*), the accountable official may not issue a certificate of occupancy or certificate of compliance until a sidewalk required under this division is installed.

PART 3. Chapter 25-6 (*Transportation*) of the City Code is amended to add Sections 25-6-353 and 25-6-354 to read:

§ 25-6-353 SIDEWALK INSTALLATION WITH BUILDING OR RELOCATION PERMIT.

(A) This section applies to:

(1) a building permit for construction of:

(a) a new building; or

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

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

1 (B) Except as provided in Section 25-6-354 (*Payment Instead Of Sidewalk*
2 *Installation*) and Subsections (C) and (D):

- 3 (1) the building official may not approve a building or relocation permit
4 unless sidewalks are shown on the plot plan or site plan, as applicable, if
5 required by the Transportation Criteria Manual; and
- 6 (2) the building official may not issue a certificate of occupancy until a
7 sidewalk required under this division is installed.

8 (C) The director may waive the requirement to install a sidewalk:

- 9 (1) based on criteria in the Transportation Criteria Manual; or
- 10 (2) if the director determines that the development does not generate
11 pedestrian traffic for the sidewalk.

12 (D) Unless otherwise required by Section 25-6-351 (*Sidewalk Installation In*
13 *Subdivisions*) or Section 25-6-352 (*Sidewalk Installation With Site Plans*), a
14 sidewalk for a corner lot is required only along the street with the shortest lot
15 frontage.

16 **§ 25-6-354 PAYMENT INSTEAD OF SIDEWALK INSTALLATION.**

17 (A) An applicant may request to pay a fee instead of installing a sidewalk by filing
18 a written request on a form provided by the director.

19 (B) The director may approve payment of a fee instead of installation of a
20 sidewalk if the director determines that installation is impractical because:

- 21 (1) there are no sidewalks in the vicinity, and it is unlikely that there will be
22 development nearby that would require the installation of sidewalks;
- 23 (2) installation of the sidewalk would require the removal of a protected tree
24 or other major obstruction within the right-of-way;
- 25 (3) a stormwater drainage ditch or similar public utility facility prevents the
26 installation of the sidewalk, and neither the sidewalk nor the facility can
27 be reasonably relocated to accommodate both the sidewalk and the
28 facility;
- 29 (4) the topography would require the construction of a retaining wall more
30 than two feet high to accommodate the sidewalk; or
- 31 (5) other unusual circumstances make the sidewalk installation requirement
32 unreasonable or inappropriate.

(C) In making a determination under Subsection (B), the director shall consider, as applicable, the following:

(1) the adopted neighborhood plan;

(2) information provided by the neighborhood planning team; and

(3) information provided by a registered neighborhood association.

(D) The amount of the fee is the current sidewalk installation cost, as determined in accordance with the Transportation Criteria Manual.

(E) A fee paid under this section must be used to install a sidewalk or curb ramp in the same service area, as established by the Transportation Criteria Manual.

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

PART 4. This ordinance takes effect on _____, 2007.

PASSED AND APPROVED

_____, 2007 §
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 § _____
 Will Wynn
 Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk