

ORDINANCE NO. 20080214-096

**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.

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

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

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

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

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

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

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

(B) For a sidewalk required under Section 25-6-353 (*Sidewalk Installation with Building or Relocation Permit*), the director shall approve payment of a fee instead of installation of a sidewalk if the director determines that:

- (1) the property is used only for a residential use and has not more than two dwelling units;
- (2) on the date the property was subdivided, the land development regulations did not include a sidewalk requirement; and
- (3) less than 50 percent of the block face on which the property is located has a sidewalk.

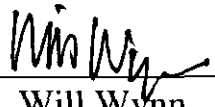
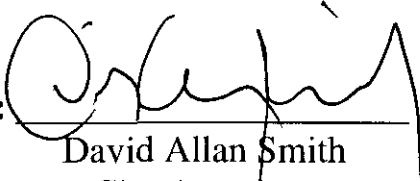
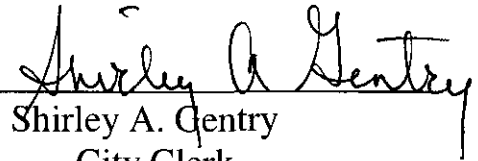
(C) For a sidewalk required under Section 25-6-351 (*Sidewalk Installation in Subdivisions*), the director shall approve payment of a fee instead of installation of a sidewalk if the subdivision:

- (1) consists of five or fewer lots;
 - (2) only includes residential lots, each of which contains no more than two dwelling units;
 - (3) is a resubdivision of land that was originally subdivided on a date when applicable regulations did not include a sidewalk requirement; and
 - (4) less than 50 percent of the block face on which the property is located has a sidewalk.
- (D) The director may approve payment of a fee instead of installation of a sidewalk if the director determines that installation is impractical because:
- (1) there are no sidewalks in the vicinity, and it is unlikely that there will be development nearby that would require the installation of sidewalks;
 - (2) installation of the sidewalk would require the removal of a protected tree or other major obstruction within the right-of-way;
 - (3) a stormwater drainage ditch or similar public utility facility prevents the installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and the facility;
 - (4) the topography would require the construction of a retaining wall more than two feet high to accommodate the sidewalk; or
 - (5) other unusual circumstances make the sidewalk installation requirement unreasonable or inappropriate.
- (E) In making a determination under Subsection (D), the director shall give primary consideration to the following:
- (1) the adopted neighborhood plan;
 - (2) information provided by the neighborhood planning team;
 - (3) information provided by a registered neighborhood association; and
 - (4) the approved City sidewalk plan.
- (F) The amount of the fee is the current sidewalk installation cost, as determined in accordance with the Transportation Criteria Manual.
- (G) 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.

(H) 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 February 25, 2008.

PASSED AND APPROVED

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February 14	§	
, 2008		Will Wynn
		Mayor
APPROVED:		ATTEST:
		
David Allan Smith		Shirley A. Gentry
City Attorney		City Clerk