

D4
1

NEW BUSINESS: CODE AMENDMENT INITIATION REVIEW SHEET

Amendment: Initiate an amendment to Title 25 of the City Code related to sidewalk fee-in-lieu criteria.

Description: Current code gives staff some discretion in determining whether sidewalks must be placed on-site for projects or whether a fee-in-lieu can be paid. Staff's discretion only applies to certain situations/projects, as some projects require staff to grant fee-in-lieu if certain criteria are met.

The proposed code amendment will look at whether it would be appropriate for staff to have additional discretion in determining when fee-in-lieu can be paid.

Proposed Language: TBD

Background: Initiation recommended by Codes and Ordinances Subcommittee on September 15, 2015.

Staff Recommendation:

Board and Commission Actions:

Council Action:

Ordinance Number: NA

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CURRENT CODE

D4
/ 20

§ 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.

D4
1/3

- (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.

Source: Ord. 20080214-096.

