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ORDINANCE NO.

**AN ORDINANCE AMENDING CITY CODE TITLE 25 AND CHAPTER 9-2
TO ALLOW CONSTRUCTION OF CERTAIN TRANSIT SYSTEM
PROJECTS AND RELATED TRANSPORTATION INFRASTRUCTURE.**

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

PART 1. Project Connect is the City’s high-capacity transit system expansion, which will ultimately consist of a light rail network, an expanded bus system, transportation terminals and stations, maintenance facilities, and all associated improvements necessary for operation of the transit system. To facilitate the construction of this critical transportation infrastructure, certain modifications and waivers to City Code are necessary to ensure the construction of a high-capacity transit system.

PART 2. This ordinance and the attached Exhibits A and B consist of the “Transit System Project Regulations”. Development of the Transit System Project shall conform to the limitations and conditions set forth in this ordinance. If this ordinance and the attached exhibits conflict, this ordinance controls. Except as otherwise provided by this ordinance, all other rules, regulations, and ordinances of the City apply.

PART 3. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

- A. Transit System Project Map
- B. Light Rail Construction Noise and Mitigation Plan Requirements

PART 4. Definitions.

- A. Transit System Project means a transportation project generally depicted on Exhibit A with any related appurtenances, including but not limited to a rail and public transit line, rail station, or a transportation terminal, funded by a public entity.
- B. Unless otherwise specifically defined, all terms in this ordinance shall have the meaning established in Title 25 of Code of the City of Austin, Texas (the “Land Development Code”).

PART 5. A Transit System Project for light rail lines or any associated infrastructure necessary to construct the light rail lines must comply with a noise and mitigation plan approved by the City that meets the requirements listed in Exhibit B. To the extent there is a conflict with Chapter 9-2 (*Noise and Amplified Sound*), the approved noise and mitigation Plan will control.

PART 6. Transit System Uses

- A. The use of a site for a traction powered substation is a Local Utility Service use as described in City Code Section 25-2-6(28).
- B. The use of a site for the provision of maintenance, repair, vehicular or equipment servicing, material storage, or similar activities for light rail lines is a Maintenance and Facilities use as described in City Code Section 25-2-6 (29).

PART 7. Code Modifications. The following code modifications apply to a site plan application for a Transit System Project.

A. Site Plan

1. Subsection (B) of City Code Section 25-5-21 (*Phased Site Plan*) is modified to allow the director to approve development phasing if the date on the final phase is not more than ten years after the approval date of the site plan. Planning Commission approval is required for development phasing if the date proposed for beginning construction of a phase is more than ten years after the approval date of the site plan.
2. City Code Section 25-5-23 (*Fast Track Permit*) is modified to allow the director to approve a fast-track permit that does not require a certificate of occupancy. City Code Section 25- 5-23 (*Fast Track Permit*) is further modified to allow the director to approve a fast-track permit that requires a variance.
3. City Code Section 25-5-81 (*Site Plan Expiration*) is modified to allow a site plan to expire 10 years after its approval.
4. City Code Section 25-5-113 (*Updates*) is modified to allow an applicant to file an update to a site plan up to five years after the date the application is filed. Days may still be added to the update deadline under City Code Section 25-1-88 (A) (*Extension of Update Deadline*). For a site plan submitted under City Code Section 25-5-21 (Phased Site

Plan), additional phases can be added to an approved site plan and those development phases shall be considered an update subject to the five-year update deadline.

B. Fiscal

City Code Section 25-1-112 (*Fiscal Security*) is modified such that a Transit System Project is not required to post fiscal.

PART 7. This ordinance takes effect on _____, 2022.

PASSED AND APPROVED

_____, 2022

Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Myrna Rios
City Attorney City Clerk