

Chapter 82, Travis County Develop Regulations, would be amended by adding § 82.202 (q)(4) to read as follows:

82.202 LAYOUT REQUIREMENTS FOR STREET AND DRAINAGE

(q) Sidewalks

(4) Payment In Lieu 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 County Executive. An approved fee shall be paid at the time of platting. An applicant who has not filed a request at the time of application may later amend the application to request to pay a fee instead of installing a sidewalk.
- (B)** For a sidewalk required under Section 82.202(q), the County Executive may approve payment of a fee instead of installation of a sidewalk if that subdivision:
 - (i)** consists of five or fewer lots;
 - (ii)** only includes residential lots, each of which contains no more than two dwelling units;
 - (iii)** is a resubdivision of land that was originally subdivided on a date when applicable regulations did not include a sidewalk requirement; and
 - (iv)** less than 50 percent of the block face on which the property is located has a sidewalk.
- (C)** The County Executive may approve payment of a fee instead of installation of a sidewalk if the County Executive determines that installation is impractical because:
 - (i)** there are no sidewalks in the vicinity, and it is unlikely that there will be development nearby that would require the installation of sidewalks;
 - (ii)** installation of the sidewalk would require the removal of a protected tree or other major obstruction within the right-of-way;
 - (iii)** 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 facility;

- (iv) the topography would require the construction of a retaining wall more than two feet high to accommodate the sidewalk; or
 - (v) other unusual circumstances make the sidewalk installation requirement unreasonable or inappropriate.
- (D) The fee paid under this section must be used to install a sidewalk or curb ramp in the same Commissioners Court precinct as the subdivision.
- (E) The County shall refund the fee to the applicant if it is not spent within 10 years of the date of its collection.

DRAFT

Title 30, Austin-Travis County Subdivision Regulations, would be amended by adding § 30-3-192 to read as follows:

§ 30-3-192 - PAYMENT INSTEAD OF SIDEWALK INSTALLATION.

- (A) A person who subdivides property 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 for approval of a Final Plat in the manner prescribed by the platting official. A person who subdivides property who has not filed a request at the time of application may later amend the application to request to pay a fee instead of installing a sidewalk.
- (B) For a sidewalk required under Section 30-3-191 (*Sidewalk Installation in Subdivisions*), the platting official may 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 platting official may approve payment of a fee instead of installation of a sidewalk if the platting official 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) The fee paid under this section must be used to install a sidewalk or curb ramp in the same Commissioners Court precinct as the subdivision.
- (F) The platting official shall refund the fee to the person who submitted the request to pay a fee instead of installing a sidewalk if it is not spent within 10 years of the date of its collection.