

34 **PART 6. Code Modifications.** The following Code modifications apply to the development
35 of the Austin Light Rail.

36 (A) General Requirements and Procedures

- 37 (1) City Code Section 25-1-21(108) (*Definitions, Site*) is modified to provide
38 that a site may be a noncontiguous area and may cross a public street or
39 right-of-way.
- 40 (2) The Director of Austin Development Services may allow development to
41 be reviewed and approved in multiple layers within one overall site plan.

42 (B) Transportation

- 43 (1) City Code Section 25-6-171 (*Standards for Design and Construction*) is
44 modified to allow Project Connect Design Criteria to supersede any
45 conflicting requirements in Chapter 25-6 (*Transportation*), subject to final
46 approval by the City Traffic Engineer or Director of Austin Transportation
47 and Public Works.
- 48 (2) Notwithstanding any provision in Title 25 (*Land Development*) excluding
49 Chapter 25-2 (*Zoning*), the planting of street trees in the right-of-way shall
50 follow the criteria of this subsection.
- 51 (a) Street trees planted in the right-of-way that have a root barrier
52 placed between the street tree and the street curb may have a
53 horizontal clearance, measured from the outer edge of the root
54 barrier to the outer edge of an existing storm drain that runs parallel
55 to the light rail alignment, of:
- 56 (i) five feet; or
- 57 (ii) three feet if the sum of the minimum required widths for the
58 utility review zone, separation distances for underground
59 utilities, and required tree planting zones exceeds the available
60 right-of-way width.
- 61 (b) Street trees are prohibited from being planted in a location where the
62 location and vegetation planting height negatively impacts the
63 visibility of traffic control devices or the sight distance visibility at
64 intersections as determined by the City Traffic Engineer.
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(C) Environmental

- (1) Site plans for the Austin Light Rail may demonstrate compliance with Section 25-8-211 (*Water Quality Control Requirement*) under this subsection.
- (a) Once the total amount of new and redeveloped impervious cover within the area of a site plan exceeds 8,000 square feet cumulatively, water quality treatment will be required before a site plan layer may be approved. This includes impervious cover that was constructed under a previously approved site plan layer.
 - (b) The first site plan layer that requires water quality treatment under subsection (a) must include a Water Quality Treatment Plan for the Austin Light Rail that is reviewed and approved by the Director of Austin Watershed Protection. The Water Quality Treatment Plan shall include, at a minimum, the following information:
 - (i) a water quality treatment map;
 - (ii) impervious cover exhibits and calculations;
 - (iii) calculations for proposed approved equivalent areas and any amount of proposed payment in lieu; and
 - (iv) a water quality tracking table.
 - (c) Subsequent site plan layers must include any updates or changes to the Water Quality Treatment Plan for the Austin Light Rail. These updates or changes are required to be reviewed and approved by the Director of Austin Watershed Protection Department.
 - (d) Site plans may demonstrate compliance with water quality treatment requirements across multiple watersheds.
 - (e) The Preliminary Water Quality Treatment Map attached as **Exhibit “C”** generally describes the location and number of proposed water quality control ponds. The Director of Austin Watershed Protection may amend the locations and number of ponds as applications are submitted.
 - (f) The Director of Austin Watershed Protection may allow payment instead of construction of water quality controls. The amount of payment required is based on a formula in Appendix U of the

100 Environmental Criteria Manual. Any payment collected shall be
101 deposited in the Urban Watersheds Structural Control Fund or the
102 Suburban and Water Supply Structural Control Fund based on the
103 watershed designation in the site plan area.

104 (g) The Director of Austin Watershed Protection may allow an approved
105 equivalent area to demonstrate compliance with water quality
106 requirements for the Austin Light Rail if the approved equivalent
107 area is:

108 (i) treated by a permitted or constructed water quality control;
109 and

110 (ii) not used to demonstrate compliance for another site plan.

111 (2) The Director of Austin Watershed Protection may agree to reimburse a
112 public entity constructing the Austin Light Rail for any water quality
113 treatment provided that exceeds regulatory requirements for development
114 approval.

115 (3) City Code Section 25-8-604 (*Development Application Requirements*) is
116 modified to:

117 (a) allow the use of tree surveys up to 10 years from date of survey to
118 align with the extended site plan, applying agreed-upon proxy
119 growth rates accordingly, if the survey is certified by a registered
120 professional land surveyor in the State of Texas and conducted in
121 accordance with the most current land surveying practice pertaining
122 to topographic, easements, and boundary surveys; and

123 (b) allow a site plan that includes parkland approved by City Council for
124 a permanent change of use for non-park purposes and the site plan
125 may rely on the modification allowed in subsection (a) above.

126 (4) City Code Section 25-8-643 (*Land Use Commission Variance*) is modified
127 to grant the City Arborist the administrative authority to consider and
128 approve removal of a heritage tree that has at least one stem that is 30
129 inches or larger in diameter measured four and one-half feet above natural
130 grade based on criteria in City Code Sections 25-8-642 (*Administrative*
131 *Variance*) and 25-8-643.

134 (D) Drainage

- 135 (1) Notwithstanding any provision in Title 25 (*Land Development*), excluding
136 Chapter 25-2 (*Zoning*), streets that have a light rail guideway and no more
137 than a single vehicular lane in each direction and are unable to
138 accommodate a minimum clear width of 12 feet in each direction during a
139 25-year storm event shall have the flow of water that meets the
140 requirements in this subsection.
- 141 (a) Except as provided in paragraph (b), the flow of water shall meet the
142 following requirements:
- 143 (i) be contained below the top of the curb; and
- 144 (ii) maintain a minimum clear width of three feet in each
145 vehicular lane.
- 146 (b) If a minimum clear width of three feet cannot be achieved as
147 determined by the Director of Austin Watershed Protection, then a
148 clear width of zero feet is permissible if the vehicular lane cross
149 slope is a minimum of 1.5 percent and the gutter flow depth does not
150 exceed four inches.
- 151 (2) Section 25-7-64 (*Design and Construction of Facilities and Improvements*)
152 is modified to allow a reduced minimum horizontal separation of three feet
153 between Austin Watershed Protection infrastructure and all other non-
154 Austin Watershed Protection infrastructure if:
- 155 (a) the storm drains have diameters of 42 inches or less and depths of no
156 greater than nine feet as measured from ground to bottom of pipe;
- 157 (b) the Director of Austin Watershed Protection has approved the type
158 of backfill or flowable fill used;
- 159 (c) any pipe embedment complies with Standard Specification 510,
160 unless otherwise approved by the Director of Austin Watershed
161 Protection;
- 162 (d) the storm drain pipe joints are watertight and designed to withstand
163 a minimum hydrostatic head of 25 feet (10.8 psi) without leakage
164 per ASTM C443 when the storm drain is located adjacent to
165 pressurized utilities; and

166 (e) the design of the storm drains does not include any of the design
167 elements described in paragraph (3) below.

168 (3) A reduced minimum horizontal separation authorized under paragraph (2)
169 is prohibited if the design includes one or more of the following design
170 elements:

171 (a) trenches encountering groundwater conditions;

172 (b) vertical utility stacking within a common open-cut trench or
173 excavation that creates overlapping embedment or excavation zones;
174 or

175 (c) installations adjacent to structures, building foundations, storm inlet
176 boxes, traffic signal pedestals, light rail platforms, and retaining
177 walls.

178 (E) Utility Services

179 (1) Notwithstanding any provision in Title 25 (*Land Development*), excluding
180 Chapter 25-2 (*Zoning*), communication conduits may have joint trenching
181 if:

182 (a) the communication conduits are not above an Austin Energy main
183 line duct bank;

184 (b) the communication conduits are constructed with separate manholes
185 and pull boxes from those used by Austin Energy; and

186 (c) the proposed design has been approved by Austin Energy.

187 (2) Notwithstanding any provision in Title 25 (*Land Development*), excluding
188 Chapter 25-2 (*Zoning*), a reduced minimum horizontal separation of three
189 feet from outside edge of pipe to outside edge of pipe between Austin
190 Water infrastructure and all other Austin Water infrastructure is allowed if:

191 (a) the proposed Austin Water pipes have diameters less than 24 inches;

192 (b) any controlled low strength material or Austin Water approved
193 alternate backfill material is used for the Austin Water infrastructure
194 and parallel non-Austin Water infrastructure;

195 (c) any pipe embedment complies with Standard Specification 510
196 unless otherwise approved by Austin Water;

- 197 (d) the design meets applicable Texas Commission on Environmental
198 Quality (TCEQ) rules and guidelines or documentation that
199 approved TCEQ exceptions apply; and
- 200 (e) the design of the water or wastewater pipes does not include any of
201 the design elements described in paragraph (3) below.
- 202 (3) A reduced minimum horizontal separation authorized under paragraph (2)
203 is prohibited if the design includes one or more of the following design
204 elements:
- 205 (a) trenches encountering groundwater conditions;
- 206 (b) vertical utility stacking within a common open-cut trench or
207 excavation that creates overlapping embedment or excavation
208 zones; or
- 209 (c) installations adjacent to structures, building foundations, storm inlet
210 boxes, traffic signal pedestals, light rail platforms, and retaining
211 walls.

212 **PART 7. Waiver of Fees for Austin Light Rail Development.**

- 213
- 214 (A) Finding: Council finds that waiving right-of-way usage fees and traffic control plan
215 review fees for the light rail components of the Austin Light Rail Implementation
216 Plan as defined in Resolution No. 20230601-072 serves a public purpose by
217 recognizing the reconstruction of and improvements to the right-of-way provided
218 by the light rail project; implementing light rail as is identified as being a key
219 strategy for achieving the goals outlined in the Austin Strategic Mobility Plan, the
220 City's transportation plan; and by recognizing the staff resources committed by
221 Austin Transit Partnership to the City to support review services in lieu of cost-of-
222 service fees.
- 223
- 224 (B) Council authorizes the City Manager to waive right-of-way usage fees and traffic
225 control plan review fees for the light rail components of the Austin Light Rail
226 Implementation Plan as defined in Resolution No. 20230601-072, beginning in
227 Fiscal Year 2026-2027, as necessary to achieve the public purpose described in (A)
228 above.
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