

ORDINANCE NO. 24-004-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING ARTICLE 10.02, EXHIBIT “A”, SECTION 42 TO ADDRESS THE REQUIREMENT FOR A TRAFFIC STUDY; AMENDING ARTICLE 10.03 OF THE CODE OF ORDINANCES TO CHANGE THE ROADWAY ADEQUACY FEE TO ROADWAY ADEQUACY PAYMENT; TO IMPLEMENT USE OF A TRAFFIC STUDY SCREENING EVALUATION FORM TO DETERMINE THE LEVEL OF TRAFFIC STUDY REQUIRED FOR DEVELOPMENT; TO UPDATE DEFINITIONS TO CONFIRM TO THOSE USED ELSEWHERE IN THE CODE; TO CLARIFY APPEALS PROCEDURE; PROVIDING OPEN MEETING AND EFFECTIVE DATE PROVISIONS; AND PROVIDING FOR RELATED MATTERS

WHEREAS, the City Council of the City of Leander, Texas, hereby finds and determines that the regulations adopted herein are adopted pursuant to the City Charter and Sections 51.001 and 212.002, Texas Local Government Code and reasonable and necessary to promote the health, safety, and welfare of the City and the safe, orderly, and healthful development of the City, and to ensure safe and efficient movement of people and goods throughout the City and adjacent areas.

WHEREAS, the City Council further finds that ensuring the adequate sizing, design, and construction of thoroughfares is necessary and essential for the safe flow of vehicular and pedestrian traffic throughout the City and adjacent areas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS THAT:

Section 1. Findings of Fact. The findings and recitations set out hereinabove are found to be true and correct and are hereby adopted by the City Council, and made a part hereof for all purposes as findings of fact.

Section 2. Traffic Study Requirements. Section 42 of Exhibit A, Article 10.02 of the City of Leander Code of Ordinances shall be amended to read as set forth in Exhibit “A” attached hereto and incorporated herein for all purposes.

Section 3. Roadway Adequacy and Traffic Study Requirements. Article 10.03 of the City of Leander Code of Ordinances shall be amended to read as set forth in Exhibit “B” attached hereto and incorporated herein for all purposes.

Section 4. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting roadway adequacy requirements and subdivisions within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued

violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 5. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Effective Date. This ordinance shall take effect immediately from and after its passage.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED this 4th day of January, 2024.

Attest:

CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor

EXHIBIT “A”
Section 42 Amendment

EXHIBIT “B”
Roadway Adequacy Fee Amendment

EXHIBIT A

Section 42. Transportation Improvements.

- (a) *Purpose.* The planning for a thoroughfare system is essential for the continued efficient movement of people and goods, and the Comprehensive Plan shall serve as a guide for the location and scale of future collector and arterial streets. The precise alignment of thoroughfares included in the Plan may be varied to allow adjustments that increase the compatibility of the right-of-way with natural or man-made features such as steep slopes, waterways, wildlife habitats, neighborhoods, historic structures or existing roadways.
- (b) *Policy.*
- (1) All transportation improvements including streets, driveways, sidewalks, bikeways, traffic control, and parking areas within the City's jurisdiction shall be designed in accordance with the City of Leander Composite Zoning Ordinance, Transportation Master Plan, Comprehensive Plan and the City of Austin's Transportation Criteria Manual, dated August 7, 2020, save and except the following:
- (i) All references to the Austin Metropolitan Area Transportation Plan shall be construed to mean the City of Leander's Comprehensive Plan and Transportation Master Plan;
- (ii) All references to the "City of Austin" shall mean the "City of Leander";
- (iii) Paragraph 1.3.1.G;
- (iv) Table 1-7A;
- ~~(v)~~ Paragraph 2.1.0;
- (vi) Replace Paragraph 2.2.0 with the following: "All developments shall require a certain level of traffic study depending on the complexity of the development and as determined by the City Engineer or his or her assigns through a threshold screening evaluation of the projected added traffic for the proposed land development, utilizing the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. A Traffic Study Screening Evaluation Form shall be submitted with all land development applications to determine the level of traffic study required. The Traffic Study Screening Evaluation Form expires five (5) years after the city's approval. An updated Traffic Study Screening Evaluation Form must be submitted after this date unless directed differently by the City Engineer or his/her assigns. A traffic study scoping meeting will be held for all traffic study levels, as needed, to define the scope for the traffic study.";
- (vii) All references to Austin zoning districts as they pertain to street classifications, trip generation, recommended pavement design, off-street parking requirements;
- (viii) Appendix F; and all references to the City of Austin, including its departments, boards or divisions shall be the same departments, boards or divisions within the City of Leander. Where such departments, boards or divisions do not exist within the City, such references shall be construed to mean the Commission, the City Engineer or other representative authorized by the Council to perform such functions on the City's behalf.
- (2) Additional street and trail design standards shall be as follows:
- (i) All streets and trails shall be planned to properly integrate with the existing and proposed system of local, collector and arterial streets and trails and shall conform to the Roadway Plan. Arterial streets shall be provided to the extent that such streets are roughly proportional to the projected impact of the proposed development. Prior to the consideration of an action on a subdivision Plan or Plat, staff shall prepare, and the City Engineer shall review and approve, an individualized determination providing a rough proportionality assessment and a determination of whether the required dedication(s), payment of fees or construction costs, and/or improvement of infrastructure set forth in the determination is roughly proportionate to the impact of the

proposed subdivision. The determination shall include, but, shall not necessarily be limited to, a comparison of the percentage of land within a subdivision to be dedicated for an arterial roadway with the percentage of land in the City and ETJ designated on the Roadway Plan as arterial roadways. The analysis shall include the entire tract of land contained within the initial subdivision application required by the City and shall include existing roadways outside of the land as deemed appropriate by the City Engineer. If the individualized determination demonstrates that the proposed street dedication is not roughly proportional to the impact of the proposed subdivision, the additional right-of-way needed to comply with the Roadway Plan that exceeds the limits of rough proportionality shall be shown as "Reserved Street ROW" on the face of the Plat or Plan.

- (ii) Local streets shall be designed so as to calm traffic and discourage "cut through" traffic including the following:
 - a) Residential collector streets shall be preferred over neighborhood collector streets in proposed residential areas.
 - b) Straight sections of local streets and collector streets with single-family or two-family lots fronting on them shall not exceed one thousand three hundred (1,300) feet in length unless other traffic calming design is utilized as approved by the City or unless such design is approved by the City Engineer.
 - (iii) Streets and trails shall be extended to the boundary lines of the tract as necessary for eventual extension to the adjacent tract(s) to ensure that block lengths do not, in general, exceed the limits defined by this ordinance and to provide access to adjacent property. Residential subdivisions adjacent to and within Activity Centers, Community Centers, and the Employment Mixed Use area, as those areas are identified in the Comprehensive Plan, shall provide a street connection, pedestrian connection, and bicycle connection to adjacent properties within each subdivision. Those residential subdivisions within Neighborhood Centers identified in the Comprehensive Plan shall provide either a pedestrian connection or bicycle path.
 - (iv) Each quadrant of Activity Center, Community Center, Neighborhood Center, or Employment Mixed Use area as designated in the Comprehensive Plan shall include at least one A Street. A Streets shall provide a pedestrian-oriented streetscape and shall be designed to provide connectivity through the entire quadrant. Commercial and multifamily projects within each quadrant of Activity Center, Community Center and Neighborhood Centers shall have frontage onto or connect to the A Street.
 - (v) Provisions shall be made for the appropriate extension of existing and proposed streets and trails. Streets and trails intended to be extended from an adjacent tract shall be extended.
 - (vi) Street and trail right-of-way shall be dedicated with the plat, and the street and trail shall be constructed with the subdivision improvements for the plat, for the full length and/or width of the lots in the subdivision adjacent to such street and trail, unless otherwise approved by the City Engineer.
 - (vii) Private, gated streets or drives may only be approved for local streets or drives and may not be approved where the gated, private street or drive would prohibit the connection of the street network between neighborhoods or otherwise impair the ability to complete the City's overall transportation network.
- (c) *Street Lighting.* Street lighting shall be installed by the developer for all new streets within the jurisdiction of the City, and shall be designed and constructed in accordance with City Standard Details and Specifications.

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- (d) *Street Signage.* Street signs shall be installed by the developer at all intersections within and immediately adjacent to a proposed development, and shall be designed and constructed in accordance with City Standard Details and Specifications.
 - (e) *Sidewalks.* Sidewalks shall be installed by the developer on both sides of all streets within and immediately adjacent to a proposed development, and shall be designed and constructed in accordance with City Standard Details and Specifications and the Composite Zoning Ordinance.
 - (f) *Maintenance of Private Streets.* The developer of any subdivision in which private streets are approved for construction shall establish a property or home owner's association, or similar entity, (the "POA") that will have a binding, continuing responsibility for the maintenance and operation of the private streets and shall establish adequate funding for such maintenance and operation. The POA's maintenance obligation shall be noted on the plat and in the restrictive covenants filed of record for the subdivision in a form that is acceptable to the City. The restrictive covenants shall provide for a monthly or annual assessment sufficient to fund the maintenance and operation of the private streets, shall give the City the authority to judicially enforce the covenants requiring adequate assessments to be made and collected and the streets to be maintained and repaired; and shall provide for the City to recover any attorney's fees and expenses incurred in judicial enforcement. Compliance with this section shall be a condition of final plat approval.
 - (g) *Private Streets; Required Easements.* The developer of any subdivision in which private streets are approved for construction shall grant the City a public safety easement and a public utility easement over the private streets in the subdivision in the form acceptable to the City, said public utility easement to include cable and telecommunications utilities. Compliance with this section shall be a condition of final plat approval.
 - (h) *Nonresidential or Multifamily Lot Connections.* Development and platting of nonresidential and multifamily properties shall provide for and allow reciprocal access for drive lanes, fire lanes, driveways, and parking lots between interior contiguous lots within a subdivision and lots adjacent to another subdivision or nonresidential or multifamily property.
 - (i) *Subdivision Access.* All subdivisions greater than thirty (30) lots shall require a secondary access unless otherwise approved by the Fire Department. The secondary access shall be constructed in accordance with the current Fire Code and City Standard Details and Specifications.
 - (j) *Private Streets: Traffic-calming.* Any HOA or POA of a subdivision tasked with maintenance and operation of private streets, pursuant to this Section, may install traffic-calming devices on private streets in accordance with Article 12.07.007 of the City Code of Ordinances. All traffic-calming devices on private roadways in which the City has a public safety or public utility easement shall be constructed in accordance with the City Engineer's design specifications for such devices.

ARTICLE 10.03. ROADWAY ADEQUACY STANDARDS

Sec. 10.03.001. Findings of fact.

- (a) The recitals set forth in Ordinance 02-033-00 are hereby found to be true and correct and are hereby adopted by the city council and made a part hereof for all purposes as findings of fact. It is further found and determined that the regulations adopted herein are adopted pursuant to the City Charter and Sections 51.001 and 212.002, Texas Local Government Code and reasonable and necessary to promote the health, safety, and welfare of the City and the safe, orderly, and healthful development of the City, and to ensure safe and efficient movement of people and goods throughout the City and adjacent areas.
- (b) It is further found and determined by the city council that the traffic impact of certain developments may be reasonably determined by the City Engineer or his/her assigns in consultation with an engineer employed by the developer, and that a fee in the amount of \$250.00 per each single family dwelling unit or \$250.00 per peak hour trip generated by any other development will fund and pay the pro-rata share of non-abutting off-site roadway improvements required by development.

(Ordinance 20-064-00 adopted 9/3/20)

Sec. 10.03.002. Definitions.

Commission. The planning and zoning commission of the city.

Council. The city council.

Development site. The gross area of land subject to a land development application.

Land development application. Any application submitted to the City for the purpose of obtaining approval for the development of land, including but not limited to subdivision applications and site plan applications. This term does not include building permits.

Site plan application. An application for approval of a Site Plan, as that term is defined in Article 14.02, Exhibit "A" of the Code.

Subdivision application. An Application, as that term is defined in Article 10.02, Exhibit "A" of the Code. Any application for review, approval or modification of a concept plan, preliminary plat, final plat or detailed development plan that is not exempt from the requirements of the subdivision regulations.

Thoroughfare. Any collector or arterial road, or a frontage road for a freeway or highway.

Traffic impact analysis (TIA). A study of the impacts of a development on the City's transportation system conducted by a registered professional engineer that provides information on the projected traffic generated by a proposed development, assesses the effect of the proposed development on a roadway near the development, identifies a potential traffic operational problem or concern and recommends solutions/actions to address the problems/concerns and assesses the potential vehicular trips generated by other undeveloped sites in the established study boundary.

Traffic Study. A traffic study evaluates the existing conditions, efficiency, operational aspects, and safety of the adjacent roadways and access points for the proposed land development. The study provides

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[recommendations for improvements and mitigations due to the added traffic projected for a proposed land development or infrastructure improvement.](#)

(2003 Code, sec. 10.102)

Sec. 10.03.003. Road adequacy regulations.

- (a) *Applicability.* The road adequacy regulations in this section apply to all non-exempt land development applications within the city limits and within the city's extraterritorial jurisdiction. The applicability of particular road adequacy standards may be further qualified below.
- (b) *Purpose and general policy.*
- (1) An adequate network of thoroughfares must support new development [within the urban area.](#)
 - (2) Thoroughfares are an essential component of the city's street network and are necessary to accommodate the continuing growth and development of the city.
 - (3) It is necessary and desirable to obtain rights-of-way for off-site, abutting and internal thoroughfares to support new development at the time of platting or development of the land.
 - (4) There must be a rough proportionality between the traffic impacts created by a new development and requirements placed on the property owner to dedicate and improve off-site, abutting and internal thoroughfare rights-of-way to city standards.
 - (5) The city desires to assure both that development impacts are mitigated through contributions of thoroughfare rights-of-way and improvements and that a development project contribute not more than its fair share of thoroughfare costs.
 - ~~(6)~~ [Adequately sized, designed, and constructed thoroughfares are necessary and essential for the safe flow of vehicular and pedestrian traffic throughout the City and adjacent areas.](#)
 - ~~(6)~~ [It is the city's intent to institute a procedure to assure that mandatory dedication of thoroughfare rights of way and thoroughfare construction requirements are proportional to the traffic demands created by a new development.](#)
 - ~~(767)~~ It is the intent of the city that a road adequacy determination is made prior to approval of land development applications.

~~(e)(c)~~ *Minimum road standards—required improvements.*

- (1) *Applicability.* All land development applications subject to this article shall provide for adequate roads to support proposed development through compliance with the following minimum standards governing dedication and improvement of internal and adjacent thoroughfares. For purposes of this section, ["adjacent thoroughfares"](#) shall include thoroughfares abutting the proposed ~~subdivision development site~~, whether located within the boundaries of the ~~subdivision development site~~ or within [adjacent](#) public rights-of-way.
- (2) *Standards and specifications.* The property owner shall dedicate and improve all required rights-of-way for internal and adjacent thoroughfares required by these regulations in accordance with the classification of streets contained in the subdivision ordinance, [the Composite Zoning Ordinance, and the Transportation Master Plan.](#)
- (3) *Dedication and improvement of internal and adjacent thoroughfares.* For adjacent thoroughfares, the property owner shall dedicate and improve one-half of the right-of-way necessary to meet the specifications in the subdivision ordinance, [the zoning ordinance, and the Transportation Plan.](#) The city may require additional land and improvements for rights-of-way for adjacent thoroughfares where

necessary to achieve adequacy of the road network and where such additional land and improvements are proportional to the traffic impacts generated by the proposed land development, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner. In the case of adjacent frontage or service roads for [county](#), state and federally designated [road/highways](#), the property owner shall dedicate sufficient right-of-way and make authorized improvements in order to provide an adequate road network to serve the subdivision.

- (4) *Substandard street improvements.* Where an existing thoroughfare that does not meet the [city's](#) right-of-way or design standards abuts a proposed new development, the city may require the property owner to dedicate the right-of-way for a standard thoroughfare width, and to improve the street according to the dimensions and specifications in the subdivision regulations, depending on factors such as the impact of the development on the thoroughfare, the timing of the development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.

- (5) *Payment in lieu of improvements.* Upon approval by the city engineer [or his/her assigns](#), the property owner may pay a roadway adequacy [payment fee](#) in lieu of providing the above required improvements. Said [payment fee](#) will be based on the current cost of designing and constructing roadway improvements, ~~and shall be assessed on a square footage basis for the area of the required improvements according to the dimensions and specifications in the subdivision.~~

- (6) *Capital improvement plan for roads.* A road improvement may be considered adequate for a land development application if the required improvement is included, funded, and approved in the city's, county's or state's two-year capital improvement plan for roads, or if the improvement is included, funded, and approved in the city's, county's or state's three- to five-year capital improvement plans for roads, provided that the applicant agrees to phase development to conform to such scheduled improvement. This section shall not be construed to prevent the city from requiring dedication of rights-of-way for such roads, or from assigning trips to such roads in a traffic impact study in order to determine a development project's proportionate costs of improvements, ~~or from requiring payment of roadway impact fees as required by article 12.08.~~

- (7) *City participation in costs of improvement.* The city may participate in the costs of improvements required by this section in order to achieve proportionality between the traffic impacts created by the proposed development and the obligation to provide adequate roadways. In such cases, the property owner shall be responsible for the entire initial costs of road improvements, including design costs. Reimbursement of the city's agreed share of the costs shall be made as funds become available. The construction of improvements and the provisions for participation in costs by the city shall be included in a ~~land~~ development ~~improvement~~ agreement.

(d) *Traffic impact analysis.*

- (1) *Applicability.* All land development applications [are](#) subject to this article ~~for which proposed development generates traffic in excess of 2,000 average daily trips, based upon the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. In the event that land uses for the development are not specified at the time of land development application, the daily trip generation rate shall be computed based upon the maximum land use intensity allowed for the development.~~
- (2) *Submission.* Every land development application ~~for a proposed development that generates traffic in excess of 2,000 average daily trips~~ shall be accompanied by a [traffic study or](#) traffic impact analysis based on the [Institute of Transportation Engineers \(ITE\) Trip Generation](#) ~~ITE~~ Manual, prepared in accordance with standard transportation engineering practices for purposes of determining the adequacy of the road network to serve the proposed development, and whether off-site road

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dedication and improvements should be made to mitigate the effects of the development proposed in the land development application.

- (A) An initial [traffic study or](#) traffic impact analysis shall be submitted with the concept plan or first land development application for the development. An updated [traffic study or](#) traffic impact analysis shall be submitted with each ~~public review~~ final plat submitted for approval and shall be generally consistent with the initial [traffic study or](#) traffic impact analysis. The initial [traffic study or](#) traffic impact analysis shall be updated whenever the land development plan is modified to authorize more intensive development.
 - (B) The [traffic study and](#) traffic impact analysis shall determine:
 - (i) Trips to be generated by the proposed development;
 - (ii) Assignment of such trips to the road network analyzed;
 - (iii) The capacity of affected thoroughfares before and after the proposed development;
 - (iv) Specific recommendations for thoroughfare improvements and traffic-control modifications needed to mitigate the traffic from the proposed development; and
 - (v) The development project's proportionate share of the costs of such improvements and modifications.
 - (C) The recommendations for thoroughfare improvements and traffic-control modifications as determined by the [traffic study or](#) traffic impact analysis are required above and beyond the minimum improvements stated in subsection (c) above.
- (3) *Standards.*
- (A) ~~All proposed project developments shall require a certain level of traffic study depending on the complexity of the proposed development and as determined by the City Engineer or his or her assigns through a threshold screening evaluation of the projected added traffic for the proposed land development, utilizing the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. A Traffic Study Screening Evaluation Form shall be submitted with all land development applications to determine the level of traffic study required. The Traffic Study Screening Evaluation Form expires five (5) years after the city's approval. An updated Traffic Study Screening Evaluation Form must be submitted after this date unless directed differently by the City Engineer or his/her assigns. A traffic study scoping meeting will be held for all traffic study levels, as needed, to define the scope for the traffic study. The city staff shall determine the geographic area to be included in a TIA.~~
 - ~~(B) A TIA must be performed under the supervision of a registered professional engineer (State of Texas) or other qualified individual.~~
 - ~~(B)~~ A TIA must conform to the requirements of this article and the requirements of the City of Austin's Transportation Criteria Manual, [August 7, 2020 edition](#).
 - ~~(C)~~ [Traffic studies and A-TIAs](#) must describe the study methodology, the data used, and the study findings and provide recommendations based on the results.
 - ~~(D)~~ [Traffic studies and A-TIAs](#) must be signed/sealed by a registered professional engineer (State of Texas) or other qualified individual responsible for the supervision ~~of the study~~ and preparation of the ~~study unless specifically not required on the Traffic Study Screening Form.~~ [TIA](#).
 - ~~(F) Desirable operating levels for streets:~~

[Pavement Width](#)
[Less than 30 ft.](#)

[Vehicles Per Day](#)
[1,200](#)

30 ft. to less than 40 ft.	1,800
40 ft. or wider	4,000

~~(4) *Fee authorized.* Upon request by the applicant and approval by the city engineer, and for plats or zoning applications the planning and zoning commission, applicants shall have the option of providing a TIA for a development project or paying a fee in the amount of \$250.00 for each dwelling unit for single family residential development projects or \$250.00 for each peak hour trip that the proposed development is projected to generate for other development projects.~~

~~(5) *Payment of fee; effect.* The payment of the above referenced fees shall not limit the discretion and judgment that may be exercised pursuant to any other provision of this article, nor the application of any such section or provision to the project. Such fees shall be paid prior to recordation of a final plat for single family or duplex lots or prior to issuance of a site development permit for any other project. The payment of the TIA fee shall not remove the requirement for the payment of the roadway adequacy fee or dedication and installation of the minimum road standards described in subsection (c) above.~~

~~(6) *Disposition of fee.* The fee amount shall be deposited in a city account that will be specifically dedicated for transportation improvements and shall be used in the general vicinity of the development project to make transportation improvements as determined appropriate by the city engineer.~~

(Ordinance 24-064-00 adopted 9/3/20)

Sec. 10.03.004. Criteria for decisions.

- (a) The council and/or city staff may deny an application if the results of a [traffic study or](#) TIA demonstrate that a proposed development may overburden the city's street system.
- (b) The council and/or city staff may deny an application if the [traffic study or](#) TIA demonstrates the projected traffic generated by the project, combining with the existing traffic, exceeds the desirable operating level on a residential or collector street for the study area, or endangers the public safety.
- (c) The council and/or city staff may approve an application that would otherwise be denied if the council determines that:
 - (1) The applicant has satisfactorily mitigated any adverse traffic conditions;
 - (2) The projected additional traffic from a project has an insignificant effect on a residential or collector street.
- (d) An applicant may modify an application to minimize the traffic-related conditions identified in a [traffic study or](#) TIA by:
 - (1) Submitting a justification to reduce the projected vehicles;
 - (2) Dedication of additional right-of-way;
 - (3) Rerouting of traffic;
 - (4) Participation in funding of a traffic signal or intersection improvements;
 - (5) Other modifications as determined to be necessary.

(2003 Code, sec. 10.104)

Sec. 10.03.005. Appeal of decisions.

- (a) The applicant for a land development application may appeal a decision in writing by the city staff under this article. The city staff shall ~~file-submit~~ the appeal ~~with-to~~ the council within 30 days of the date of the appeal, unless the city staff and the applicant agree on a different date for submission to the Council decision.
- (b) The applicant shall provide a study in support of the appeal that shall include the minimum:
 - (1) Total vehicle miles of road capacity utilized by the ~~project~~development;
 - (2) Total vehicle miles of road capacity supplied by proposed dedications of rights-of-way or improvements to thoroughfares.
- (c) The council shall consider the appeal and determine whether the thoroughfare or traffic-control dedication and construction requirements are roughly proportional to the nature and extent of the impacts on the road network created by the development proposed. If the appeal alleges that the proposed dedication or construction requirements constitute a deprivation of economical viability or use of vested property, the council shall resolve such issues. The council shall render its decision within thirty (30) days following the final submission of any testimony or evidence by the applicant. Following such determinations, the council may take any of the following actions:
 - (1) Deny the appeal, upon determining that the required dedications of rights-of-way for or improvements to thoroughfares or traffic-control improvements are roughly proportional to the nature and extent of the impacts created by the development, and order that such dedication or improvements be made as a condition of approval of the land development application;
 - (2) Deny the appeal, finding that the dedication or improvement requirements are inadequate to achieve road adequacy, and either deny the land development application or require that additional dedications of rights-of-way dedication for or improvements to thoroughfares or traffic-control improvements be made as a condition of approval of the application;
 - (3) Grant the appeal and waive in whole or in part any dedication or construction requirement that is not roughly proportional; or
 - (4) Grant the appeal, and direct that the city participate in the costs of acquiring rights-of-way or constructing improvements sufficient to achieve proportionality.

(2003 Code, sec. 10.105)