
Proposed Sidewalk Ordinance Amendments FAQ

November 30, 2022



PLANNING &
DEVELOPMENT
DEPARTMENT

1. Why is the Sidewalk Standard Modification Application Fee reduced?

The sidewalk modification fee is an application fee to cover the staff's cost to process and review the sidewalk modification applications. After two years' implementation of the ordinance, staff has streamlined the application review process and significantly improved the efficiency. As a result, the modification application fee is reduced accordingly to reflect staff cost.

2. What is the Fee in Lieu of Sidewalk Construction?

The Fee in Lieu of Sidewalk Construction is a voluntary option for property owners/ developers to meet the sidewalk construction requirements of the Sidewalk Ordinance (Chapter 40, Article XXII). If a proposed development meets the criteria listed on Section 40- 560(b)(1) or Section 40- 561, the property owner may choose to pay the fee instead of constructing the required sidewalk.

3. What will the Fee in Lieu of Sidewalk Construction achieve?

This gives applicants another option to comply with the sidewalk requirements, while still advancing the overall goal of the Sidewalk Ordinance –to create a safe, comfortable, and accessible sidewalk network within the city. The current Sidewalk Ordinance requires all applicable developments to construct sidewalks that meet the city standards unless the developments meet the exemption or modification requirements. The exemption and modification criteria were established to address unique conditions throughout the city. However, exempting sidewalk construction has created more sidewalk gaps in the city and limits opportunities to promote a complete sidewalk network. Therefore, the Fee in Lieu of Sidewalk Construction is established to increase construction of the sidewalk network by providing more sidewalk construction options.

4. How much is the Fee in Lieu of Sidewalk Construction?

The proposed Fee in Lieu of Sidewalk Construction is \$12/square foot.

5. How is the Fee in Lieu of Sidewalk Construction calculated?

The fee is calculated by multiplying the fee per square foot with the square footage of the sidewalk the property owner would have otherwise been required to construct.

6. How is the amount of the Fee in Lieu of Sidewalk Construction decided?

The City Engineer will determine the amount of the Fee in Lieu of Sidewalk based on the estimated material and labor cost of the sidewalk projects constructed by the City on an annual basis. The costs identified above are based on current (2022) costs and will be confirmed annually.

7. What is the Sidewalk Fund?

The Sidewalk Fund is a special fund established to collect Fees in Lieu of Sidewalk Construction. The fund will be used to construct new sidewalks. It will not be used to maintain or repair existing sidewalks.

8. In addition to the Fee in Lieu of Sidewalk Construction, could other funding sources be allocated to the Sidewalk Fund?

Yes. In addition to the Fee in Lieu of Sidewalk Construction, funding from other departments/ agencies, such as Council Members' Office, TIRZs, Management Districts, METRO, may be allocated or deposited to the sidewalk fund to support the sidewalk construction projects paid for by the fund.

9. What is a Sidewalk Service Area Map?

The Sidewalk Service Area Map is a map dividing the city geographically into Sidewalk Service Areas. This map prioritizes investment of sidewalk fund moneys within the general area where the Fee in Lieu of Sidewalk Construction was collected. Each area in the Sidewalk Service Area Map is known as "Sidewalk Service Area" and is numbered accordingly for identification purposes. There are 17 Sidewalk Service Areas identified on the proposed Sidewalk Service Area Map.

10. How much will the Sidewalk Fund collect in each Sidewalk Service Area? The collected amount of the Sidewalk Fund depends on the development activities in each Sidewalk Service Area. Since the development activities can be affected by different factors, it is impossible to project the annual Sidewalk Fund amounts.

11. How will the City ensure the Sidewalk Fund is allocated equitably?

Development throughout the city occurs at different rates. As a result, different areas may collect less revenue into their Sidewalk Service Area. To balance the sidewalk projects throughout the city and to allocate the Sidewalk Fund equitably, a 70/30 split of the Fee in Lieu of Sidewalk Construction is proposed. This means 70% of the Fee in Lieu of Sidewalk Construction will be spent in the same Sidewalk Service Area where the fee was collected, and 30% of the fee will be spent for city-wide sidewalk projects based on need. The intent of 70/30 split is to achieve a complete sidewalk network in the entire city, not just in certain areas.

12. How many sidewalk projects are expected to be funded by the Sidewalk Fund in a year?

The number of sidewalk projects funded by the Sidewalk Fund depends on the available amount of the Sidewalk Fund in each Sidewalk Service Area. The Chief Transportation Planner will coordinate with other City departments and agencies to identify and prioritize sidewalk projects. The available Sidewalk Fund will be allocated to the identified sidewalk projects in the order of the following priorities:

- 1) Pedestrian safety;
- 2) Existing transportation facilities such as bus stops or bike lanes;
- 3) Presence of major facilities generating trips, such as schools, parks, libraries, etc.;
- 4) Demographics and equity; and
- 5) Available funding.

13. Where can I find the list of the sidewalk projects funded by the Sidewalk Fund?

The Chief Transportation Planner will provide an annual report on the utilization of the Sidewalk Fund and related sidewalk projects completed during the previous fiscal year. The annual report will be published on the Planning & Development Department website www.houstonplanning.com.