

Sidewalk FAQ



**PLANNING &
DEVELOPMENT
DEPARTMENT**

March 1st, 2023

Q1: Which City of Houston department reviews sidewalks throughout the City of Houston?

As of Oct. 1, 2020, the Planning and Development Department began reviewing sidewalk widths and locations along all public streets within the city limits of Houston, while the Office of City Engineer reviews the sidewalk engineering specifications.

Q2: How is the process different prior to Oct. 1, 2020?

Prior to Oct. 1, 2020, the Office of City Engineer reviewed all sidewalk related applications. This new process allows the Planning and Development Department (PD) to review sidewalk widths and locations simultaneously with landscaping requirements along the public streets. It will allow planning staff to enforce the ordinance compliance before it reaches the late stages of the permitting process and avoid unnecessary delays. The new process also gives applicants the flexibility to file an application for the modification of sidewalks or safety buffer standards in certain circumstances. PD will review all sidewalk applications in collaboration with the Office of City Engineers (OCE) and the Mayor's Office for People With Disabilities (MOPD).

Q3: Why did the City make these changes?

Prior to Oct. 1, 2020, the City had sidewalk requirements established based on different street classifications. However, the sidewalk requirements were not written in the ordinance, which created challenges for code enforcement. The existing sidewalk requirements were not changed. Instead, the ordinance amendments aim to streamline the sidewalk review process. It will help to enhance walkability of our city and improve safety and accessibility in the pedestrian environment. It will also support the goals of the City's Vision Zero plan of ending roadway deaths and serious injuries in Houston by 2030.

Q4: What type of permit triggers a sidewalk review? (Sec. 40-553)

1. New sidewalk (permit)
2. Repair or replace a segment of sidewalk more than 20 feet in length
3. New single-family residential (SFR) home (interior remodeling or expansion of the existing home does not trigger)
4. Development plat
5. New parking lot
6. Parking lot addition of 10 spaces
7. Parking lot reconstruction with more than 10 spaces or 25% of total area
8. Any off-site parking paths (with an off-site parking lease agreement)
9. Alterations of non-single family residences within 15 feet of the pedestrian realm with increased 250 square feet or 25% footprint along a Transit-Oriented Development or Walkable Places street

10. More than 25% expansion of non-single family residential building
11. New roadway construction
12. Expansion or reconstruction of an existing roadway
13. Removal of an existing sidewalk

Q5: What is the minimum sidewalk width standard?

The Infrastructure Design Manual (IDM) Sec 17.06 establishes sidewalk related standards.

1. A minimum 4’ wide safety buffer is required along all public streets to create a safe and comfortable distance between pedestrians on the sidewalk and vehicles on the adjacent roadway.
2. The minimum sidewalk width is established based on either the location of the area or the street classification.

Area Location/ Street Classification	Street Type	Minimum Width
Within Central Business District	All	8 feet
Major Thoroughfare	Walkable Places Street	As designated by the Walkable Places Plan
	TOD Street	8 feet
	All Others	6 feet
All Other Public Streets	Walkable Places Street	As designated by the Walkable Places Plan
	TOD Street	6 feet
	All Others	5 feet

Q6: What are the exceptions to the sidewalk requirements? (Sec. 40-556).

1. Existing sidewalk is in good condition and meets current width standards
2. Sidewalk is within a planned community with alternative paths or trails in lieu of sidewalks
3. Sidewalk is within a sidewalk easement provides pedestrian accessibility adjacent to the public street
4. Street is a grade-separated freeway without frontage road.
5. Street is a grade-separated freeway with frontage road where PD, Office of City Engineer (OCE), and Mayor’s Office for People with Disabilities (MOPD) determines it is infeasible or unsafe.
6. No roadway or no plans to construct a roadway
7. Cost for sidewalk is more than 50% of project (determined by CIP) except in the Central Business District, along Walkable Places or Transit Oriented Development streets
8. The property is located along Fourth Ward streets. Call 832-393-6600 to speak with a staff member for confirmation of requirements.
9. Certain repair and rehabilitation work will be performed by government entities

Q7: If my neighborhood does not have a sidewalk, will I be required to build one?

If there is no existing sidewalk on a block and the proposed development activities meet the criteria prescribed on Sec 40-560(b)(1), the property owner can choose to either construct the required sidewalk or pay a Fee in Lieu of Sidewalk Construction.

Q8: Do I need to construct a sidewalk if there is a deed restriction prohibiting sidewalks in my neighborhood?

Whether a sidewalk is required or not is determined by Sec 40-553, not by a deed restriction. Generally, deed restrictions regulate developments on private properties. Most sidewalks and safety buffers are constructed within public rights-of-way.

Q9: Do I need to construct a sidewalk if there is an existing tree, power pole, or other obstructions?

Yes, a sidewalk is required even if there is an existing obstruction. In this scenario, the applicant is required to construct the sidewalk bypassing the obstruction. If it's technically infeasible to meet the sidewalk requirements, the applicant can submit a sidewalk standard modification application or an application to pay a Fee in Lieu of Sidewalk Construction.

Q10: What are the sidewalk requirement compliance options?

1. Construct the required sidewalk. (Refer to Sec 40-553 to find out the development activities requiring sidewalk construction)
2. Construct a sidewalk with modified width if the Sidewalk Committee approves the Sidewalk Standard Modification Application.
3. Pay a Fee in Lieu of Sidewalk Construction if meeting the criteria prescribed on Sec 40-560(b)(1) or Sec 40-561(d).

Q11: Where and how can I submit a Sidewalk Standard Modification Application or a Fee in Lieu of Sidewalk Construction Application?

You are required to submit the online application form(s) at <https://houstontx.gov/planning/sidewalk-regulations.html>. Other related documents shall be emailed to pd.sidewalkandrealm@houstontx.gov

Q12: 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

Q13: How is a Fee in Lieu of Sidewalk Construction calculated?

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

Q14: How is the amount of the Fee in Lieu of Sidewalk Construction decided?

The City Engineer determined the amount of the Fee in Lieu of Sidewalk (currently \$12/square foot) based on the estimated material and labor cost of the sidewalk projects constructed by the City on an annual basis pursuant to Sec 40-560(d). The costs identified above are based on current (2022) costs and will be confirmed annually.

Q15: 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 was established to increase construction of the sidewalk network by providing more sidewalk construction options.

Q16: What is the Sidewalk Fund and how does it work?

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.

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.

Q17: 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 Sidewalk Service Area Map.

Q18: How will the City ensure the Sidewalk Fund will be allocated equitably?

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.

Development throughout the city occurs at different rates. As a result, some 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 created. 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.

Q19: 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.

Q20: 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.