



## CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 11/16/2022

ALL

Item Creation Date: 8/25/2022

PLN - Sidewalk Network Amendments

Agenda Item#: 9.

### **Summary:**

NOT A REAL CAPTION

ORDINANCE amending chapter 40 to establish a Fee in Lieu of Sidewalk Construction option for property owners and developers to comply with the City's sidewalk construction requirements

### **Background:**

The Planning and Development Department recommends amending certain sections of the Code of Ordinances in Chapter 40 to establish a Fee in Lieu of Sidewalk Construction option for property owners and developers to comply with the City's sidewalk construction requirements that are in place to create a safe, comfortable, and accessible sidewalk network for all Houstonians. The proposed Sidewalk Network Ordinance amendments aim to overcome challenges with the implementation of the Sidewalk Ordinance 2020-684, that went into effect on October 1, 2020, and help achieve the goals of Plan Houston, Resilient Houston, Houston Climate Action Plan, Complete Streets, and Vision Zero.

### **Fee in Lieu of**

The Sidewalk Network Ordinance proposes a Fee in Lieu of Sidewalk Construction for qualifying applicants to pay into a sidewalk fund that the City will utilize to promote a completed sidewalk network in Houston. A sidewalk in lieu fee may be requested by the applicant if the proposed development meets the criteria established to avoid constructing a "sidewalk to nowhere" or unique conditions exist that make it infeasible to construct. This proposed fee will provide a third option in the Sidewalk Ordinance for applicants to comply with the sidewalk requirements:

1. Construct the required sidewalk
2. Submit an application for the modification of the sidewalk standard requirements
3. Pay a Fee in Lieu of Sidewalk Construction (Proposed)

### **Sidewalk Fund**

The amount of the Fee in Lieu of Sidewalk Construction will be established based on the estimated material and labor cost of the sidewalk projects constructed by the City on an annual basis. Seventeen Sidewalk Service Areas will be established to collect the Fee in Lieu and to allocate sidewalk project priorities within each area. The proposed 70/30 split between building sidewalks in the area the fee was collected in, and a city-wide network based on need, will help to promote a complete sidewalk network equitably throughout the city. The Sidewalk Fund that will be created by the ordinance amendments to collect the fee will be managed by the Planning and Development Department and implemented by Houston Public Works. The fees collected in the fund will not be used to maintain or repair existing sidewalks.

Additionally, the Sidewalk Modification Application Fee was established to cover staff's cost to process and review the sidewalk modification applications. After two years of implementing the ordinance, staff has streamlined the process and review time for these applications. Therefore, the Planning and Development Department proposes to reduce the Sidewalk Modification Application Fee to reflect these changes in the process. The reduced fees are shown in the modification application fee table.

### **Sidewalk Network Ordinance Timeline:**

- Coordination with Houston Public Works and Mayor's Office for People with Disabilities on proposed amendments (April 2021 - January 2022)
- Public outreach for proposed amendments (February – September 2022)
- Planning Commission reviews amendments (May 2022)
- Public comment period for proposed amendments (May - June 2022)
- Regulatory & Neighborhood Affairs and Transportation, Technology & Infrastructure Joint Committee presentation (August 2022)
- Super Neighborhood Alliance presentation (September 2022)
- Greater Houston Builders Association presentation (September 2022)

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A handwritten signature in black ink, appearing to read "Margaret Wallace Brown".

Margaret Wallace Brown

Planning Director, AICP

Planning and Development Department

**Prior Council Action:**

Ordinance 2020-684; approved 8-5-2020

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**ATTACHMENTS:**

Description	Type
Sidewalk Service Area Map	Backup Material
Sidewalk Modification Application Fee Table	Backup Material
Sidewalk Ordinance Amendments FAQs	Backup Material
Sidewalk Ordinance 2020-684	Backup Material
METRO letter of support	Backup Material
Greater Houston Builders Assoc. letter of support	Backup Material