

Reference Guide:

Modification of Sidewalks and Safety Buffers The Planning and Development Department



**PLANNING &
DEVELOPMENT
DEPARTMENT**

Overview

This guide is intended for reference only. Sidewalk standards modification requests are often unique and may have requirements and conditions not anticipated by this guide. For questions about sidewalks, please contact pd.sidewalkandrealm@houstontx.gov or the Planner of the Day at 832-394-8849.

On October 1, 2020, the Planning and Development Department began reviewing sidewalks and safety buffers for new construction, renovation, conversion, and addition projects along public streets in Houston. The Office of City Engineers reviews the engineering details while the Planning department reviews location and widths. These changes were implemented to:

- Streamline the permitting process, provide clarity and flexibility on when and where sidewalks are required
- Improve walkability and pedestrian safety in Houston
- Support the Vision Zero goal of ending roadway deaths and serious injuries by 2030.

A sidewalk standards modification allows you to request to build a narrower sidewalk or safety buffer than would otherwise be required by the city ordinance (Sec. 40-550). In certain cases, a modification may allow an applicant to build no sidewalk when doing so would be infeasible, dangerous, or unreasonably costly.

Projects that require sidewalks

- New sidewalks or repaired/replaced sidewalk segments 20 feet or longer
- New single-family homes
- New commercial development or new residential developments requiring platting
- New parking lots, additions of 10 or more spaces, or lot reconstruction affecting 10 or more spaces or 25% of the total parking lot area
- Off-site parking facilities that require new pedestrian paths
- Alterations to commercial or multi-family buildings along Transit-Oriented Development or Walkable Places streets that involve additions of 250 square feet or more, or 25% of the building footprint

(Sec. 40-552 b)

Deadlines

The sidewalk standards modification team reviews applications on Wednesdays. Applications must be submitted no later than Tuesday by noon. to be reviewed the same week.

Applications are reviewed in the order they are received. City ordinance caps review time at a maximum of 10-15 business days once a complete application has been accepted (*Sec. 40-550*).

Submittal requirements

To file an application, download the form from the Planning and Development Department website at <http://www.houstontx.gov/planning/Forms> (Application for Modification of Sidewalk Standards) and complete the following steps.

Step 1: Submit package

1. Download the application form
2. Fill out the application form, providing supporting documentation
 - Site plan showing width and location of proposed sidewalk and safety buffer as well as other existing and proposed features in the right-of-way (required)
 - Photos (optional)
 - Street views (optional)
 - Deed restrictions (optional)
 - HOA rules (optional)
3. Submit the form to pd.sidewalkandrealm@houstontx.gov or at the Houston Permitting Center, 1002 Washington Ave., Third Floor.

Step 2: Pay fee if applicable

Pay the non-refundable \$1,174.46 review fee if necessary. The section on Frequently Asked Questions in this guide and section two of the application for modification of sidewalk standards clarify when this fee applies. If payment is required, applicants will receive a sales order once their application has been deemed complete.

Step 3: Application review

Sidewalk standards modification requests undergo review by the Planning and Development Department as well as the Office of City Engineers and the Mayor's Office for People with Disabilities.

Applications should be reviewed in a maximum of 10-15 business days depending on the type of modification being proposed (*Sec. 40-553 b*). Staff will reach out to applicants if more information is needed.

Step 4: ProjectDox review

After the applicant has received an approved modification and uploaded it to the "planning" folder in ProjectDox, the normal review process for the project involving a sidewalk standards modification can proceed.

If an application for a sidewalk standards modification is rejected, the drawings will need to be revised to show the required sidewalk and safety buffer and uploaded to the appropriate folders in ProjectDox for further review.

Tips for filling out the application

- The City Council district can be found at <http://mycity.houstontx.gov/houstonmapviewer> by searching for the property address in the box at the top left of the page and referencing the Council District designation in the box that appears on the map.
- If the property abuts more than one street, make sure to list all the streets that will require a modification in the spaces provided. Leave any extra spots in this section blank.
- Part one of the "Statement of Facts" section asks for justification for a sidewalk standards modification. Approval will require proof that existing paths already provide safe pedestrian access **OR** that existing conditions would make a sidewalk unsafe or infeasible **OR** that the cost of building the required sidewalk exceeds 50% of the total project cost. At least one of these must apply, although more than one may be included in the application.

- Parts two and three of the “Statement of Facts” section require written confirmation that the applicant did not create the conditions that require a sidewalk standards modification, and that approving a modification would meet the larger intent of the city’s sidewalk ordinance to improve safety, connectivity, and walkability. Both must apply.

Definitions

Back-of-curb - the lateral line of a roadway measured from the back of the roadway's curb nearest the property line.

Public street - a public right-of-way, however designated, dedicated or acquired, that provides access to adjacent property.

Safety buffer - the area between the back-of-curb or the roadway, and the edge of the sidewalk nearest the back-of-curb or the roadway.

Sidewalk - a publicly accessible firm-and-stable-surfaced path that is improved and designed for or is ordinarily used by pedestrians.

Site plan – a detailed, graphical representation of the arrangement of buildings, parking and loading facilities, driveways and other improvements on a tract of land.

Walkable Places Plan (WPP) street – The Walkable Places Plan designates certain areas such as Midtown, Hogan-Lorraine Street, and Emancipation Avenue for enhanced pedestrian safety and comfort features to boost walkability in the city. Special sidewalk and safety buffer rules may apply.

Transit-Oriented Development (TOD) street – Streets close to certain areas with high-quality public transit facilities are subject to special sidewalk and safety buffer rules in order to facilitate pedestrian access to transit in the city.

Frequently asked questions

When is the \$1,174.46 fee required?

Applications that propose both a sidewalk and a safety buffer, even if they are somewhat narrower than the widths otherwise required, are not subject to the \$1,174.46 fee. If no sidewalk is being proposed, or if there is a sidewalk being proposed without a safety buffer, the fee will apply.

It is important to note that this is an application fee, not a fee in lieu of compliance. It does not guarantee that an application for sidewalk standards modification will be approved.

What are the exceptions to sidewalk requirements?

New sidewalks are typically not required in the following situations:

- When existing sidewalks are in good condition and meet city standards (*Sec. 40-555*). This includes existing sidewalks with no safety buffer, so long as the width of the sidewalk meets the current requirements
- On private streets
- Along grade-separated freeways without at-grade frontage roads
- Along limited-access roads with unsafe or infeasible conditions (as determined by city staff).
- When the cost of building a sidewalk is more than 50% of the total project cost, with exceptions for the Central Business District and Walkable Places, Transit-Oriented Development, and Transit Corridor streets
- Along streets in the Fourth Ward

- Along unconstructed streets that are not part of a new development and can be confirmed by the city engineer as not being part of any other planned capital projects or improvements.

(Sec. 40-554 c)

What are some common situations that DO NOT qualify for an exemption?

Sidewalks must be provided even in cases in which there are no other sidewalks on the street, and in cases in which existing obstacles such as trees or ditches would require a narrower or partially re-routed sidewalk. Existing ditches or obstacles can serve as evidence to support a sidewalk standards modification but still require an approved modification for the rest of the project to proceed.

Deed restrictions and HOA rules apply to private property. Because sidewalks are built in the city right-of-way, these restrictions often do not apply and sidewalks and safety buffers may still be required.

How can I find out what kind of street (i.e. local street, major thoroughfare) my property fronts?

Applicants can find out what kind of street they are on by visiting

<http://mycity.houstontx.gov/houstonmapviewer>.

- Click the tab to Select Layers and tick the boxes for Transportation and Planning and Development.
- Click the + by Transportation and tick the box for Major Thoroughfare Plans (MTFP).
- Click the + by Planning and Development and tick the boxes for Transit Corridor Streets, Walkable Places Streets, and TOD Streets.
- Type in the address of the property in the search box at the top.
- If there is no colored line in the streets bordering the property, then they are local streets. If a colored line appears, click it and look for the information in the Road Class section.
- Some streets may have more than one classification indicated by the note (1 of X) in the upper left hand of the box that appears when the colored line is clicked. Click the arrow in the upper right hand of the box to see additional information.

What happens if my application is denied?

A denied application typically means that the full sidewalk and safety buffer standards must be met.

Applicants may submit new sidewalk standards modification requests containing additional supporting information if the first request is denied, but this does not ensure a different outcome. Additional details are provided in a letter sent to applicants.

Application for Modification of Sidewalks Standards

Section 40-556 of Chapter 40 of the Code of Ordinances



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EXAMPLE FORM

The Planning official, in collaboration with the Office of City Engineers (OCE) and the Mayor's Office for People with Disabilities (MOD), may approve a modification to the sidewalk & safety buffer standards of section 40-555 of the Code of Ordinances in accordance with section 40-556. Granting a modification under Sec. 40-556 does not set a precedent, and each case shall be reviewed on its own merits.

1. Project & Contact Information:

Date: _____ Project Number: _____

Applicant's Name: _____

Phone Number: _____

E-mail address: _____

Site Address: _____

City Council District: _____

2. Modification Fee Applicability:

For certain modification requests, a non-refundable fee of \$1144 per Statute: 40-556(c) is required. Please see the request types and fee applicability below. Check the one that applies to your request.

- No sidewalk (application fee applies)
- Provide a sidewalk but no safety buffer (application fee applies)
- Maintain full width of sidewalk but modified width of the safety buffer (fee does not apply)
- Maintain full width of safety buffer but modified width of the sidewalk (fee does not apply)
- Provide reduced width of both sidewalk and safety buffer (fee does not apply)

For lots with more than one right-of-way, you may need to check additional boxes.

3. Details of proposed Standard Modification:

List the street(s) where the modification is being requested and fill in the correlating information below.

Street Name:	Required sidewalk width:	Required safety buffer width:	Proposed sidewalk width:	Proposed safety buffer width:
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

You only need to provide information for the rights-of-way along which a modification will be sought.

To qualify for an approval under this section, the applicant must meet criteria below. Answer each question below. For number 1, you may select the one that best fits your situation.

For number (1), you will fill out a, b, or c as they apply. Otherwise you may mark them NA. Numbers (2) and (3) must be answered for a complete application.

Statement of Facts:

(1) The proposed standard modification meets one or more of the following: (Sec. 40-556 e)

- a. Pedestrian pathways or sidewalks exist within the immediate vicinity of the public street that provide reasonably sufficient access and connectivity for public pedestrian use; OR (Sec. 40-556 e-1(a))

Nearby sidewalks or pedestrian paths already provide safe public access and connectivity (please explain).

Provide a detailed statement of facts that would meet these criteria. The information should be complete and accurate. A simple "yes" or "no" answer will not be accepted.

- b. The characteristics of existing lawfully permitted development, land uses, or other physical conditions within the immediate vicinity of the public street create unsafe conditions related to the practical use of the sidewalk that is otherwise contrary to sound public policy; OR (Sec. 40-556 e-1(b))

Providing the required sidewalk and safety buffer would cause a safety hazard or be impractical given existing conditions (please explain).

Provide a detailed statement of facts that would meet these criteria. The information should be complete and accurate. A simple "yes" or "no" answer will not be accepted.

- c. The cost of the standard sidewalk requirement is disproportionate to the total cost of the action prompting the applicability of this article under section 40-522 of this Code and the development will not contribute to an increase in pedestrian traffic or otherwise create an adverse impact to existing pedestrian accessibility within the immediate vicinity; (Sec. 40-556 e-1(c))

The cost of the required sidewalk and safety buffer exceeds 50 percent of the proposed development cost (please explain).

Provide a detailed statement of facts that would meet these criteria. The information should be complete and accurate. A simple "yes" or "no" answer will not be accepted.

(2) The circumstances supporting the approval are not the result of hardship created or imposed by the applicant; (Sec. 40-556 e-2)

The applicant did not create the conditions requiring a standards modification (please explain).

Provide a detailed statement of facts that would meet these criteria. The information should be complete and accurate. A simple "yes" or "no" answer will not be accepted.

(3) The granting of the approval would create an alternative that furthers the intent and purposes of this article. (Sec. 40-556 e-3)

Approving a standards modification would support the goal of a safe, pedestrian-friendly city (please explain).

Provide a detailed statement of facts that would meet these criteria. The information should be complete and accurate. A simple "yes" or "no" answer will not be accepted.

On number (3), you are encouraged to provide reasoning that may not have fit within Number 1. Remember to think about how the modification benefits not only the property, but the local area.

4. Submittal Requirements:

- Completed application form
- A complete site plan showing the location and width of the proposed sidewalk and/or safety buffer.
- Pay the Non-Refundable Fee of \$1144 per Statute: 40-556(c) if applicable.

You will only need to check this box if applying for No Sidewalk or No Safety Buffer.

Submit completed applications to:
Planning and Development Department
1002 Washington Avenue, 3rd Floor
Houston, TX 77002 or
by email to: PD.sidewalkandrealm@houstontx.gov

Contact the Planning and Development Department at (832) 394-8849 with any questions or to schedule a meeting prior to submitting an application. More information can be found at www.houstontx.gov/planning/DevelopRegs/

Email is the preferred method of submittal, as it helps with processing time.