

**Chapter 40 Sidewalk Network Ordinance
Planning Commission Draft –5/20/2022**

**This Draft for Discussion Purposes Only
Not approved by the City Attorney, and not final until adopted by Houston City Council**

ARTICLE XXII. SIDEWALKS

DIVISION 1. – SIDEWALK NETWORK REQUIREMENTS

Sec. 40-551. Scope and administration.

- (a) This article establishes standards and procedures for creating a connected sidewalk network within the city. Providing a safe, comfortable, and accessible sidewalk network supports the goals as described in the city's plans, including the city's General Plan, Vision Zero, Affirmatively Furthering Fair Housing Plan, Complete Communities plans, and in accordance with the goals of the Mayor's Office for Persons with Disabilities.
- (b) It shall be the responsibility of the planning official to administer this article in coordination with the city engineer, chief transportation planner, and the MOD official.
- (c) The planning official is authorized to promulgate rules and procedures for the efficient administration of this article.
- (d) The planning official may, from time to time, with the assistance of the department of finance and the city engineer and pursuant to applicable city administrative procedures, prepare and submit for approval by motion of the city council revisions to the city fee schedule that shall be paid by an applicant in accordance with this article.
- (e) Except as expressly provided, the provisions of this article are cumulative of the other provisions of this Code.
- (f) This article may be known and cited as the Sidewalk Network Ordinance.

Sec. 40-552. Definitions.

As used in this article, the following terms and phrases shall have the meanings ascribed in this section unless the context of their usage clearly indicated another meaning:

Applicant means a property owner or the property owner's designated agent, landlord, or tenant, holder of certificate of occupancy, or other person or entity who is applying for an approval required by this article.

Back-of-curb has the meaning ascribed in section 33-351 of this Code.

Block has the meaning ascribed in section 42-1 of this Code.

Blockface has the meaning ascribed in section 42-1 of this Code.

Business day means any day of the week except for Saturday, Sunday, or any other day on which department offices are closed.

Central business district has the meaning ascribed in section 40-361 of this Code.

Chief transportation planner means the person designated by the Mayor to lead the city's systems-level transportation planning efforts or their designee.

Commission means the planning commission of the city.

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1 *Design manual* has the meaning ascribed in section 42-1 of this Code.

2 *Department* means the department of planning and development of the city.

3 *Local street* has the meaning ascribed in section 42-1 of this Code.

4 *Lot* has the meaning ascribed in section 42-1 of this Code.

5 *Mobility device* means a motorized or nonmotorized wheelchair, scooter, rollator,
6 crutch, cane, walker or any similar device(s) that functions similarly to allow an injured or
7 disabled person increased mobility for independent travel.

8 *MOD official* means the person designated by the Mayor to lead the Mayor's Office on
9 Disabilities, as established in section 2-388 of this Code, or such person's designee.

10 *Project site* means the area under review where a building permit, certificate of
11 occupancy, or other construction permit or approval listed under section 40-553 of this Code
12 is located. This shall include the section of public street between the roadway and
13 corresponding blockface abutting the area, when applicable.

14 *Public street* means a public right-of-way, however designated, dedicated or acquired,
15 that provides access to adjacent property. An alley, as the term is defined in section 42-1 of
16 this Code, shall not be considered a public street.

17 *Roadway* has the meaning ascribed in section 42-1 of this Code.

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

20 *School* has the meaning ascribed in section 28-151 of this Code.

21 *Sidewalk* means a publicly accessible firm-and-stable-surfaced path that is improved
22 and designed for or is ordinarily used by pedestrians in accordance with the design manual,
23 applicable state and federal disability rights laws, and this article. The sidewalk serves as a
24 continuous and obstacle-free pathway for people to safely and comfortably walk or use a
25 mobility device.

26 *Sidewalk committee* means the group of licensed or otherwise qualified technical
27 professionals established by section 40-558 of this Code.

28 *Sidewalk easement* means a recorded easement that grants to the public a perpetual,
29 non-exclusive easement on, over, and across private land for the construction, maintenance,
30 and use of a sidewalk. The minimum height of a sidewalk easement shall be 8 feet as
31 measured vertically from the surface of the corresponding sidewalk.

32 *Sidewalk fund* means the fund established in accordance with section 40-581 of this
33 Code.

34 *Sidewalk plan* means a detailed, graphical representation of the arrangement of
35 sidewalks, buildings, driveways, plantings, and other improvements or above-ground
36 existing and planned physical features for the project site for which a permit or approval is
37 sought in accordance with this article.

38 *Single-family residential use* has the meaning ascribed in section 42-1 of this Code.

39 *Subdivision plat* has the meaning ascribed in section 42-1 of this Code.

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1 Sec. 40-553. Applicability.

2 (a) Except as provided in subsection (b) of this section, any person or entity seeking approval
3 for a building permit, certificate of occupancy, or other construction permit or approval
4 required by this Code for any of the following activities must first obtain approval of a sidewalk
5 plan in accordance with the provisions of this article:

- 6 (1) Construction of a new sidewalk within a public street or sidewalk easement;
- 7 (2) Repair, reconstruction or replacement of 20 linear feet or more of an existing sidewalk
8 within a public street or sidewalk easement;
- 9 (3) Construction of a new single-family residential use other than a secondary dwelling unit;
- 10 (4) Development of property for non-single-family residential use that requires a
11 development plat under to section 42-22 of this Code;
- 12 (5) Construction of a new parking lot;
- 13 (6) Construction of a parking lot addition greater than ten parking spaces to an existing
14 parking facility, as those terms are defined in section 26-472 of this Code;
- 15 (7) Reconstruction of more than ten parking spaces or 25% of the total area, whichever is
16 greater, of an existing permitted parking lot. Restriping parking spaces, asphalt
17 resurfacing and other cosmetic, decorative or surface level enhancements shall not be
18 considered reconstruction;
- 19 (8) To establish the pedestrian route for off-site parking facilities as required by section 26-
20 499 of this Code;
- 21 (9) Alterations to any non-single-family residential building or improvement within 15 feet
22 of the minimum pedestrian realm along a transit-oriented development street or
23 walkable places street that increases the building or improvement by 250 square feet
24 or more;
- 25 (10) Alterations to any non-single-family residential building or improvement that increases
26 the exterior square footage of the building or the footprint of the improvement by more
27 than 25%;
- 28 (11) Construction of a new roadway within a public street;
- 29 (12) Expansion or reconstruction of an existing roadway within a public street. Repair and
30 rehabilitation work performed as described in subsection (b) of this section shall not be
31 considered reconstruction or expansion; and
- 32 (13) Removal of an existing sidewalk within a public street or sidewalk easement.

33 (b) This article shall not apply to repair and rehabilitation work performed by governmental
34 entities, political subdivisions, transit authorities, or local government corporations provided
35 that:

- 36 (1) Following the repair or maintenance of public infrastructure, any sidewalk that is
37 disturbed is replaced in the same or better condition than existed before the repair or
38 maintenance work; or

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- 1 (2) The width and location of a sidewalk is not fundamentally altered after rehabilitation
2 improvements to extend the life and effectiveness of existing public infrastructure.
3 Rehabilitation improvements may include, but are not limited to: pavement overlays,
4 street panel replacements, resizing stormwater inlets, replacing or reestablishing curbs,
5 regrading ditches, or the restoration of erosion or flood damage.

6 **Sec. 40-554. Options for compliance.**

7 An applicant for a permit required to comply with this article shall file a sidewalk plan for
8 the project site with the department for review. Upon approval of the sidewalk plan by the planning
9 official, the applicant shall:

- 10 (1) Construct the sidewalk(s) in accordance with the approved sidewalk plan; or
11 (2) Pay the fee in lieu of sidewalk construction in the amount stated in the current fee
12 schedule, if such is authorized by the planning official or sidewalk committee pursuant to
13 section 40-560.

14 **Sec. 40-555. Sidewalk plan and approval required.**

15 (a) An applicant shall submit a sidewalk plan to the department for review and approval in
16 conjunction with a development plat required by chapter 42 of this Code, or prior to obtaining
17 a building permit, certificate of occupancy, or other construction permit, or for approval of a
18 sidewalk plan required to perform an activity listed under section 40-553 of this Code. The
19 sidewalk plan for the project site shall:

- 20 (1) Be in the form prescribed by the planning official.
21 (2) Be to scale, provide a north arrow, and contain dimensions and boundaries of any public
22 street and sidewalk easement; and
23 (3) Show:
24 a. The location and dimensions of each existing and proposed sidewalk and safety
25 buffer;
26 b. The location of above-ground existing and planned physical features within the
27 public street or sidewalk easement such as utility poles and equipment, signposts,
28 traffic signal equipment, parking meters, guywires, fire hydrants, bollards, bus or
29 transit shelters, bicycle racks, planters, stairs or steps, street furniture, and fences
30 or barriers;
31 c. The location and dimension of each driveway that crosses the sidewalk and safety
32 buffer;
33 d. The location and dimension of each pedestrian safety and visibility buffer required
34 by section 40-32 of this Code.
35 e. The location and dimension of each curb ramp, as the term is used in chapter 17
36 of the design manual;
37 f. The location, dimension, and vertical clearance of any building or structure
38 constructed over the sidewalk or safety buffer;

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- 1 g. Existing and proposed trees, shrubs, and screening fences required by article V of
- 2 chapter 33 of this Code that are within the public street or sidewalk easement;
- 3 h. The functional edge furthest from the roadway of an adequate drainage facility, as
- 4 approved by the city engineer, along any public street that is not curb and gutter;
- 5 and,
- 6 i. If requesting an exemption, the location and details of any exemption condition
- 7 listed under section 40-556 of this Code; and
- 8 k. a fee calculation analysis when a fee in lieu of sidewalk construction is requested
- 9 in accordance with this article.
- 10 (b) Upon receipt of a sidewalk plan containing all the information required by subsection (a), the
- 11 planning official shall review the sidewalk plan to verify compliance with this article. This
- 12 review shall be completed within 15 business days from the date a complete application is
- 13 submitted to the planning official. The planning official shall deny in writing all sidewalk plans
- 14 that do not comply with the requirements of this article.
- 15 (c) The building official or city engineer shall not issue a building permit, certificate of occupancy,
- 16 or other construction permit unless the planning official approves the sidewalk plan.
- 17 (d) The building official or city engineer shall not issue a certificate of occupancy or otherwise
- 18 certify satisfactory completion of a construction permit or approval unless the applicant
- 19 constructs or provides for the sidewalk and related information shown on the approved
- 20 sidewalk plan or provides payment of the required fee in lieu of sidewalk construction.

21 **Sec. 40-556. Sidewalk required; exceptions.**

- 22 (a) Except as provided in subsection (b) of this section, a sidewalk shall be required along each
- 23 public street blockface within the city. The sidewalk may be within the public street or a
- 24 sidewalk easement adjacent to the public street.
- 25 (b) No sidewalk shall be required along a public street blockface when, upon review of written
- 26 documentation or other relevant information provided by the applicant, the planning official
- 27 finds that one or more of the following circumstances apply:
- 28 (1) There is an existing sidewalk in good repair that was built to the minimum width required
- 29 by this article;
- 30 (2) There is an existing sidewalk in good repair that was built through a sidewalk
- 31 construction project completed by a governmental entity, political subdivision, transit
- 32 authority, or local government corporation not more than five years before the date the
- 33 sidewalk plan is filed with the department;
- 34 (3) The public street is within a planned community with an approved pedestrian plan on
- 35 file with the department in which alternative publicly accessible pedestrian trails or
- 36 pathways are provided in lieu of sidewalks;
- 37 (4) The sidewalk is constructed, or will be constructed in accordance with this article, within
- 38 a sidewalk easement that provides a reasonable alternative alignment for pedestrian
- 39 accessibility along the general route of the public street;
- 40 (5) The public street is a grade-separated freeway that does not have an at-grade frontage
- 41 road;

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- 1 (6) The public street is a grade-separated freeway or other limited access roadway, and
2 the planning official, after consultation with the sidewalk committee, determines one or
3 more of the following conditions exist:
 - 4 a. The construction of a sidewalk is technically or otherwise infeasible due to the
5 presence of existing, permitted physical conditions, or
 - 6 b. The characteristics of existing permitted development, land uses, or other physical
7 conditions within the immediate vicinity of the grade-separated or limited access
8 roadway create unsafe conditions related to the practical use of a sidewalk.
- 9 (7) There is no roadway constructed within the public street and the city engineer confirms:
 - 10 a. The construction of a roadway is not required as part of the action prompting the
11 applicability of this article under section 40-553 of the Code; or
 - 12 b. There are no approved capital improvement plans or plans pending approval by
13 an entity with an interest in planning and development within the right of way such
14 as governmental entities, political subdivisions, transit authorities, or local
15 government corporations or any other entity as determined by the planning official
16 for improvements or construction of the roadway.
- 17 (8) The cost to meet the standard sidewalk requirement is more than 50% of the total cost
18 of the action prompting the applicability of this article. The city engineer shall review the
19 cost estimate provided by the applicant and make a recommendation to the planning
20 official on the reasonableness of the estimate. The following shall not qualify for a waiver
21 under this subsection:
 - 22 a. Items (1), (2), and (8) under section 40-553 of this Code;
 - 23 b. The requirement to construct a sidewalk within the central business district; or
 - 24 c. The requirement to construct a sidewalk along a walkable places street or transit-
25 oriented development street;
- 26 (9) The street is located within the boundaries of the Fourth Ward Street Streets in Place
27 Ordinance, Ordinance No. 99-1344; or
- 28 (10) The applicant pays a fee in lieu of sidewalk construction when authorized in accordance
29 with this article.

30 **Sec. 40-557. Sidewalk standards.**

- 31 (a) The minimum unobstructed width of a sidewalk required by this article shall be as prescribed
32 by the design manual.
- 33 (b) The minimum width of the safety buffer required by this article shall be as prescribed by the
34 design manual.
- 35 (c) The minimum unobstructed vertical clearance required by this article shall be eight feet as
36 measured from the surface of the sidewalk.
- 37 (d) All sidewalks shall be constructed in a manner consistent with technical standards and
38 design requirements of the design manual and applicable state and federal disability rights
39 laws.

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2 **Sec. 40-558. Establishment of the sidewalk committee.**

3 There is hereby created a sidewalk committee to evaluate and make technical findings on a
4 modification request or fee in lieu of sidewalk construction request submitted in accordance with
5 this article. Membership of this committee shall include the planning official, the city engineer, the
6 MOD official, and the chief transportation planner. The sidewalk committee may establish
7 procedures necessary for the conduct of its business and may conduct its review via electronic
8 mail, teleconference, or in-person meetings. The unanimous consent of all members is required
9 for any approval or authorization required by the sidewalk committee under this article. The
10 decision of the sidewalk committee is final and may not be appealed.

11 **Sec. 40-559. Modification of standards, process.**

12 (a) The sidewalk committee is authorized to approve a sidewalk plan that includes a modification
13 to the standards of section 40-557 of this Code in accordance with this section. Granting a
14 modification under this section does not set a precedent, and each case shall be reviewed
15 on its own merits. A request to eliminate the sidewalk construction requirement shall require
16 the authorization of a fee in lieu of sidewalk construction as detailed in section 40-560 of this
17 Code.

18 (b) The sidewalk committee may modify but not eliminate, the sidewalk width or safety buffer
19 width required by subsections (a) and (b) in section 40-557 when, upon review of written
20 documentation provided by the applicant requesting the modification, the sidewalk
21 committee concludes that the standards of section 40-557 are technically or otherwise
22 infeasible solely due to the presence of existing permitted physical conditions. The sidewalk
23 committee shall conduct their review and direct the planning official to advise the applicant
24 of a decision within fifteen business days from the date written documentation is submitted
25 to the planning official.

26 (c) When an applicant requests modification of the sidewalk width or the safety buffer width, or
27 to eliminate the safety buffer requirement, an applicant shall:

28 (1) File an application in the form prescribed by the planning official;

29 (2) Pay the non-refundable fee set forth for this provision in the city fee schedule and all
30 costs associated with the notice provisions of this section. No fee shall be charged when
31 the request is solely for modification of the safety buffer requirement; and

32 (3) Provide documentation to support the required findings in subsection (e) of this section.

33 (d) Upon receipt of a complete application filed in accordance with subsection (c) of this section
34 to modify the width of the sidewalk, the planning official shall give notice of the application
35 by electronic mail to:

36 (1) The district council member in whose district the sidewalk is located;

37 (2) Each neighborhood association registered with the department of neighborhoods in
38 whose boundaries the sidewalk is located;

39 (3) The sidewalk committee; and

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1 (4) Coordinate with other entities with an interest in planning and development within the
2 right of way such as governmental entities, political subdivisions, transit authorities, or
3 local government corporations, and any other entity as determined by the planning
4 official.

5 (e) The sidewalk committee shall approve the application submitted in accordance with
6 subsection (c) of this section, with or without conditions, if all the following conditions exist:

7 (1) One or more of the following:

8 a. Pedestrian pathways or sidewalks exist within the immediate vicinity of the public
9 street that provide reasonably sufficient access and connectivity for public
10 pedestrian use;

11 b. The characteristics of existing permitted development, land uses, or other physical
12 conditions within the immediate vicinity of the public street create unsafe conditions
13 related to the practical use of the sidewalk that is otherwise contrary to sound public
14 policy; or

15 c. The cost of the standard sidewalk requirement is disproportionate to the total cost
16 of the action prompting the applicability of this article under section 40-553 of this
17 Code and the development is unlikely to contribute to an increase in pedestrian
18 traffic or otherwise create an adverse impact to existing pedestrian accessibility
19 within the immediate vicinity. Section 40-553, subsections (1), (2), and (8) shall not
20 qualify for a modification under this condition.

21 (2) The circumstances supporting the approval are not the result of hardship or condition
22 created or imposed by the applicant;

23 (3) The granting of the approval would create an alternative that furthers the intent and
24 purposes of this article.

25 (f) The sidewalk committee shall conduct a review of the application submitted under subsection
26 (c) of this section and advise the applicant of a decision within 15 business days from the
27 date a complete application is submitted to the planning official.

28 (g) The planning official shall maintain a list of approved sidewalk modifications on the
29 department website.

30 **Sec. 40-560. Fee in lieu of sidewalk construction eligibility; fee**
31 **established.**

32 (a) The planning official and sidewalk committee may eliminate the sidewalk construction
33 requirement in accordance with this section. An applicant must file a sidewalk plan with the
34 department and pay all application fees for the plan review and fee determination.

35 (b) An applicant may request approval to pay a fee in lieu of sidewalk construction when either:

36 (1) The planning official determines the activity listed under section 40-553 of this Code
37 meets the following conditions:

38 a. Construction of a new single-family residential use, other than a secondary
39 dwelling unit;

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- 1 b. The lot that has not been part of a subdivision plat where the property was
- 2 subdivided after October 1, 2020 to create the lot;
- 3 c. The lot fronts a local street that is not a walkable place street or TOD street;
- 4 d. The lot is not a corner lot at an intersection of two or more public streets;
- 5 e. The lot makes up 20% or less of the linear length of the blockface;
- 6 f. The lot is on a blockface where no existing sidewalk is located or no existing sidewalk
- 7 is located within 500 feet of the lot along the same blockface; and
- 8 g. There is no school located on the same block as the project site.
- 9 (2) If the request does not meet the conditions for approval by the planning official, the
- 10 applicant may request the sidewalk committee to authorize a fee in lieu of sidewalk
- 11 construction pursuant to section 40-561 of this Code;
- 12 (c) Upon authorization of payment of the fee in lieu of sidewalk construction, and submission of
- 13 the funds to the city, the planning official shall:
 - 14 (1) Deposit all fees collected in accordance with this division into the sidewalk fund;
 - 15 (2) Maintain a list of approved fee in lieu of sidewalk construction projects on the
 - 16 department website;
 - 17 (3) Retain the name and mailing address of the applicant for purposes of compliance with
 - 18 refund requests; and
 - 19 (4) Complete an annual evaluation in coordination with the city engineer on the city's total
 - 20 cost per square footage to construct a typical new sidewalk for a construction project
 - 21 funded by the sidewalk fund.
- 22 (d) The fee in lieu of sidewalk construction shall be included in the city fee schedule, shall be
- 23 computed on a square foot basis cost of materials and labor, and shall be determined by the
- 24 city engineer on an annual basis. The total fee due for a fee in lieu of sidewalk construction
- 25 shall be determined based on the square footage of the sidewalk the applicant would have
- 26 otherwise been required to construct under this article

27 **Sec. 40-561. Fee in lieu of sidewalk construction process.**

- 28 (a) An applicant requesting an authorization from the sidewalk committee to pay a fee in lieu of
- 29 sidewalk construction, the applicant shall:
 - 30 (1) File an application in the form prescribed by the planning official;
 - 31 (2) File a sidewalk plan with the department;
 - 32 (3) Pay the non-refundable fee set forth for this provision in the city fee schedule and all
 - 33 costs associated with the notice provisions of this section; and
 - 34 (4) Provide documentation to support the request.
- 35 (b) Upon receipt of a complete application, the planning official shall give notice of the
- 36 application by electronic mail to:
 - 37 (1) The district council member in whose district the request is located;

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- 1 (2) Each neighborhood association registered with the department of neighborhoods in
2 whose boundaries the request is located;
- 3 (3) The sidewalk committee; and
- 4 (4) Other entities, including governmental agencies, political subdivisions, transit
5 authorities, or local government corporations, and other entities as determined
6 appropriate by the planning official.
- 7 (d) The sidewalk committee may approve the request to pay a fee in lieu of sidewalk construction
8 when one or more of the following conditions exist:
- 9 (1) Construction of the sidewalk is infeasible due to existing physical conditions at the
10 project site;
- 11 (2) Construction of the sidewalk may create an unsafe condition or be otherwise contrary
12 to sound public policy;
- 13 (3) There is an approved public street or sidewalk project at 60% or more of the design
14 stage on the blockface of the project site; or
- 15 (4) The required sidewalk construction at the project site would adversely impact an
16 approved public street project or other construction project by a governmental entity,
17 political subdivision, transit authority, or local government corporation.
- 18 (c) The sidewalk committee shall review the application, may approve or deny the application,
19 or request additional information from the applicant. On final action by the sidewalk
20 committee, the planning official shall advise the applicant of the decision within 15 business
21 days from the date the complete application is filed with the department.
- 22 (e) The amount of the non-refundable fee established by item (2) of subsection (a) shall be
23 deducted from the total fee in lieu of sidewalk construction upon approval by the sidewalk
24 committee.

25 **Sec. 40-562. Violations.**

- 26 (a) It shall be unlawful for any person or entity to undertake any of the activities described in
27 section 40-553 unless a sidewalk plan has been approved by the planning official as required
28 by this article.
- 29 (b) The violation of any provision of this article within the territorial limits of the city, including the
30 failure to do any act or perform any duty that is required herein, shall be punishable as
31 provided by section 1-6 of this Code. Each day a violation continues constitutes a separate
32 offense. Prosecution or conviction under this provision shall never be a bar to any other
33 remedy or relief for violation of this Code.
- 34 (c) The planning official and city engineer shall have the authority to administratively enforce
35 violations of this article.

36 **Secs. 40-563—40-580. Reserved.**

37

38 **DIVISION 2. – THE SIDEWALK FUND**

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1 Sec. 40-581. Sidewalk fund, in general.

- 2 (a) There is hereby established a special fund which shall be known as the “Sidewalk Fund”, for
3 the deposit of all fees paid in lieu of sidewalk construction under this article. Distribution of
4 moneys from this account shall be prioritized in accordance with section 40-582 of this Code
5 and on appropriation by city council.
- 6 (b) The planning official shall account for all fees paid in lieu of sidewalk construction under this
7 article with reference to the individual developments that generate the fee payment
8 requirement. Any funds paid for such purpose must be obligated by the city within ten years
9 after the date of deposit. If the funds are not encumbered within the initial ten years, the
10 planning official may request from the city council a time extension for a period not to exceed
11 an additional five years for the expenditure of funds. Each extension request shall be
12 submitted in writing by the planning official at least 60 days prior to the expiration date for
13 the funds to be committed by the city and shall include a detailed justification for the
14 extension request.
- 15 (c) Funds in the sidewalk fund shall be used for the construction of sidewalks and shall not be
16 used for general sidewalk maintenance or to pay for city staff overhead expenses. Indirect
17 costs reasonably incurred in connection with the sidewalk construction may be covered by
18 the fund. These indirect costs may include but are not limited to: legal expenses, engineering
19 and design costs, surveys, and sidewalk easement acquisition.
- 20 (d) The planning official shall identify and record the sidewalk service area, as the term is used
21 in section 40-582 of this Code, where the project site is located for any fee in lieu of sidewalk
22 construction. No less than seventy percent of the fee collected shall be allocated for use on
23 sidewalk project(s) within the corresponding sidewalk service area in accordance with this
24 division.
- 25 (e) Other sources of funding may be allocated or deposited to the sidewalk fund to support the
26 sidewalk construction projects paid for by the fund and will be separately accounted for.

27 **Sec. 40-582. Sidewalk fund, administration.**

- 28 (a) It shall be the responsibility of the chief transportation planner to plan and prioritize the
29 sidewalk projects to be funded from the sidewalk fund in coordination with the city engineer,
30 the city traffic engineer, the MOD official, and the planning official. The chief transportation
31 planner shall also coordinate with other governmental entities, political subdivisions, transit
32 authorities, or local government corporations with an interest in the specific public street
33 where a particular sidewalk project is located.
- 34 (b) The chief transportation planner shall develop and maintain:
- 35 (1) A Sidewalk Service Area Map, that subdivides the city geographically into Sidewalk
36 Service Areas for the purposes of prioritizing investment of moneys from the sidewalk
37 fund within the general area where the fee in lieu of sidewalk construction was collected.
38 Each area in the Sidewalk Service Area Map shall be known as “Sidewalk Service Area”
39 and numbered accordingly for identification purposes; and
- 40 (2) A Sidewalk Prioritization Scoring Matrix to objectively score and prioritize potential
41 sidewalk construction projects to advance the intent of this article and the plans it
42 implements.

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- 1 (c) The chief transportation planner shall present any proposed updates to the sidewalk service
2 area map or prioritization scoring matrix to the commission. The commission shall hold at
3 least one public hearing on the proposed update. Upon the close of the public hearing, the
4 commission shall consider public comments and the recommendation of the chief
5 transportation planner then determine whether the proposed update furthers the objectives
6 and intent of this article. The commission shall vote to:
- 7 (1) Approve the proposed update, with or without modifications;
- 8 (2) Refer the proposed update back to the chief transportation planner for further study and
9 evaluation;
- 10 (3) Defer consideration of the proposed update to a future meeting; or
- 11 (4) Disapprove the proposed update. If the updated is disapproved by the commission, then
12 the last map or matrix approved by city council or the commission, as applicable, shall
13 remain in effect.
- 14 (d) The chief transportation planner shall provide an annual report to the commission on the
15 utilization of the sidewalk fund and related sidewalk projects completed during the previous
16 fiscal year of the city.

17 **Secs. 40-584—40-600. Reserved.**

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