
Sidewalk Requirements: Chapter 40 Code of Ordinances Frequently Asked Questions



**PLANNING &
DEVELOPMENT
DEPARTMENT**

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.

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 of Disabilities (MOD).

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.

How do I know if these regulations apply to my project? What type of permit triggers a sidewalk review? (Sect. 40-552)

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 or a secondary dwelling unit over 900 square feet
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.

What are the exceptions to the sidewalk requirements? (Sec. 40-554)

1. Existing sidewalk is in good condition and meets current 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

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5. Street is a grade-separated freeway with frontage road where PD, OCE, and MOD 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 1, 2, 8, CBD, WPP or TOD
 8. The property is located along Fourth Ward streets. Call 832-393-6600 to speak with a staff member for confirmation of requirements.
 9. The applicant has received an approval of modification of sidewalk standards
 10. Certain repair and rehabilitation work will be performed by government entities

Do I need to construct a sidewalk if there are no existing sidewalks along the street?

If the proposed permitting activity requires construction of a sidewalk pursuant to Sec 40-552, a sidewalk will be required regardless of the whether there are existing sidewalks along the street or not.

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

Generally, deed restrictions regulate developments on private properties. Most sidewalks and safety buffers are constructed within public rights-of-way. Therefore, when there is enough space to construct sidewalks and safety buffers outside private property boundaries, the sidewalk and safety buffer requirements do not contradict with the deed restrictions and the sidewalk is required pursuant to Sec 40-552. When there is not enough space to construct a sidewalk and a safety buffer within a public right-of-way and there is an effective deed restriction prohibiting sidewalks on private properties, the Sidewalk Review Committee will consult with Legal Department to make the determination case by case.

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.

What are my options if I do not want to construct a sidewalk with my project? The applicant can request a modification of sidewalk standards through the Planning Department. The sidewalk standard modification applications are reviewed by the Sidewalk Review Committee. The committee reviews each application based on Sec 40-556 and makes decisions accordingly. There are two types of applications:

1. 10-day review process (for sidewalk/ safety buffer width reduction only): no fee is required. To qualify for this application process, both of the following conditions must be met: (a) due to existing permitted physical conditions, it's technically infeasible to comply with the *sidewalk or safety buffer* width requirements; (b) the sidewalk or safety buffer is not along a WP Street or a TOD Street.
2. 15-day review process (for all other sidewalk/ safety buffer standard modifications): \$1,144 application fee is required.

How do I get started? Read the short [Reference Guide for the Modification of Sidewalks and Safety Buffer](#).

Applicants can request a pre-submittal meeting with staff to review submittal requirements for a modification of sidewalk standards.

Where can I get an application for the modification of sidewalk standards? The application for the modification of sidewalk standards can be found at <http://www.houstontx.gov/planning/Forms/>

What is a Walkable Place Plan (WPP)? A WPP is an area designated by Houston City Council to promote more walkable streets by providing a safe pedestrian environment. Three areas in Houston have been designated as Walkable Places: Midtown, Hogan-Lorraine Street, and the Emancipation Avenue corridor within the Third Ward area.

What is the sidewalk width requirement for streets within a WPP? A sidewalk width can vary from 6, 8 or 10 feet depending on the WPP designation.

What is a Transit-Oriented Development (TOD) street? A TOD street is a public street designated as a primary TOD street or secondary TOD street on the Transit-Oriented Development Plan adopted by the Planning Commission. They are within ½ mile walking distance from an existing or future transit station.

What is the sidewalk width requirement for streets within a TOD Street?

Primary TOD streets require 8-foot wide sidewalks. Secondary TOD streets require 6-foot wide sidewalks.

What is the sidewalk width requirement for a major thoroughfare outside a TOD or WPP Street? 6 feet.

What is the sidewalk width requirement for a local street outside a TOD or WPP street? 5 feet.

What is the sidewalk width requirement for developments within the Central Business District (CBD)? 8 feet.