

§ 25-6-354 - PAYMENT INSTEAD OF SIDEWALK INSTALLATION.

- (A) An applicant may request to pay a fee instead of installing a sidewalk by filing a written request at the time the person submits a permit application in the manner prescribed by the director. An applicant who has not filed a request at the time of application, may later amend the application to request to pay fee instead of installing a sidewalk.
- (B) For a sidewalk required under Section 25-6-353 (Sidewalk Installation with Building or Relocation Permit), the director shall approve payment of a fee instead of installation of a sidewalk if the director determines that:
  - (1) the property is used only for a residential use and has not more than two dwelling units;
  - (2) on the date the property was subdivided, the land development regulations did not include a sidewalk requirement; and
  - (3) less than 50 percent of the block face on which the property is located has a sidewalk.
- (C) For a sidewalk required under Section 25-6-351 (Sidewalk Installation in Subdivisions), the director shall approve payment of a fee instead of installation of a sidewalk if the subdivision:
  - (1) consists of five or fewer lots;
  - (2) only includes residential lots, each of which contains no more than two dwelling units;
  - (3) is a resubdivision of land that was originally subdivided on a date when applicable regulations did not include a sidewalk requirement; and
  - (4) less than 50 percent of the block face on which the property is located has a sidewalk.
- (D) The director may approve payment of a fee instead of installation of a sidewalk if the director determines that installation is impractical because:
  - (1) there are no sidewalks in the vicinity, and it is unlikely that there will be development nearby that would require the installation of sidewalks;
  - (2) installation of the sidewalk would require the removal of a protected tree or other major obstruction within the right-of-way;
  - (3) a stormwater drainage ditch or similar public utility facility prevents the installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and the facility;
  - (4) the topography would require the construction of a retaining wall more than two feet high to accommodate the sidewalk; or
  - (5) other unusual circumstances make the sidewalk installation requirement unreasonable or inappropriate.

- (E) In making a determination under Subsection (D), the director shall give primary consideration to the following:
- (1) the adopted neighborhood plan;
  - (2) information provided by the neighborhood planning team;
  - (3) information provided by a registered neighborhood association; and
  - (4) the approved City sidewalk plan.
- (F) The amount of the fee is the current sidewalk installation cost, as determined in accordance with the Transportation Criteria Manual.
- (G) A fee paid under this section must be used to install a sidewalk or curb ramp in the same service area, as established by the Transportation Criteria Manual.
- (H) The City may refund the fee to the applicant if it is not spent within 10 years of the date of its collection.

Source: Ord. 20080214-096.

# Sidewalk Fee-in-Lieu FAQ

## **What is Sidewalk Fee-in-Lieu?**

The Land Development Code, Chapter 25-6-354 allows for developers to pay a fee in lieu of building sidewalks when projects meet certain criteria. When this occurs the monies paid are set aside in a fund for future sidewalk construction in that neighborhood. The Neighborhood Plan Contact Team is notified when an application for fee-in-lieu is approved as part of a new subdivision, site plan, or building permit.

## **When will we be notified of a Sidewalk Fee-in-Lieu payment?**

Staff from the Development Assistance Center sends quarterly announcements to Neighborhood Plan Contact Teams. A notice is only sent if a fee in lieu of payment has been made in the planning area.

## **Is there a time frame for when the Sidewalk Fee-in-Lieu money must be spent?**

Yes, funds must be spent within ten years.

## **What happens to unspent Sidewalk Fee-in-Lieu money?**

Money not spent within ten years may be returned to the developer upon request.

## **What types of projects are eligible to use Sidewalk Fee-in-Lieu money?**

Eligible project types include: sidewalk and curb ramp installation. The funding must be spent within the neighborhood planning area from which the funding was collected.

## **How is Sidewalk Fee-in-Lieu funding allocated to eligible projects?**

Pedestrian Program staff takes into consideration the recommendations of the adopted Neighborhood Plan for the area when allocating funding. In order to be considered for funding, projects typically must have been identified as a "very high" or "high" priority within the City of Austin Sidewalk Master Plan. Sidewalk fee-in-lieu funding will be used to supplement other funding sources, including voter-approved bonds and state and federal grants.

## **How is the construction of new sidewalks prioritized by the *Sidewalk Master Plan*?**

The City of Austin *Sidewalk Master Plan* has a prioritization matrix for new sidewalk projects that includes the following factors:

- How far are the nearby schools, major employers, transit stops, government offices, public accommodations and public housing?
- How many people live in the area?
- Are there already existing sidewalks in the area?
- How busy is the street?
- Has a request been made? (Has the request been made by the ADA task force, as part of an Adopted Neighborhood Plan, or by a neighborhood resident?)
- Have there been reported pedestrian safety concerns?

Pedestrian Program staff use this decision matrix to prioritize eligible sidewalk projects for funding.

## **Is there a list of upcoming sidewalk projects available online?**

A list is not currently available online, but the City is working to include sidewalk projects as part of the new CIVIC website ([www.austintexas.gov/civic](http://www.austintexas.gov/civic)) which provides a map-based display of City of Austin Capital Improvement Projects.

## **Where can I find a copy of the approved Sidewalk Master Plan?**

You can review the approved Sidewalk Master Plan at [http://www.austintexas.gov/sites/default/files/files/Public\\_Works/Sidewalk\\_Master\\_Plan.pdf](http://www.austintexas.gov/sites/default/files/files/Public_Works/Sidewalk_Master_Plan.pdf). For additional resources and information about City of Austin sidewalks, visit <http://www.austintexas.gov/department/pedestrian>.

## **How can Neighborhood Plan Contact Teams be involved in the decision making process?**

Contact teams should continue to work with PDRD implementation planners to prioritize their neighborhood plan recommendations on a regular basis. Pedestrian Program staff relies on the Sidewalk Master Plan, as well as the priorities identified in the Neighborhood Plans, to guide decision-making regarding construction of new sidewalks using fee-in-lieu and other funding. In some cases contact teams may also be able to secure additional resources that can leverage fee-in-lieu funding in a particular location, including Neighborhood Partnering Program grant funding.

**How do I find out the amount of Sidewalk Fee-in-Lieu that has been collected for my neighborhood?**

Funds are tracked through a Capital Reporting system. If you have questions regarding the amount of funding available in your neighborhood plan area, please contact Eric Dusza, Public Works Department at (512) 974-6504.

**Can Sidewalk Fee-in-Lieu money be used as a match for the Neighborhood Partnering Program?**

Yes. The monies must be requested and approved by the Public Works Department on a case-by-case basis.

**Who do I call if I have questions about the Sidewalk Fee-in-Lieu Process?**

If you have questions regarding how sidewalk fee-in-lieu is collected during the development process, please contact Amber Mitchell, Planning and Development Review Department, Development Assistance Center at (512) 974-3428.

If you have questions regarding how the sidewalk fee-in-lieu funding will be applied in your area, please contact Eric Dusza, Public Works Department at (512) 974-6504.

