

**CITY OF SAN ANTONIO  
DEVELOPMENT SERVICES DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Mayor and City Council  
**FROM:** Florencio Peña III, Director, Development Services Department  
**SUBJECT:** Residential sidewalk exception  
**DATE:** May 4, 2006

**SUMMARY & RECOMMENDATION**

An Ordinance amending Chapter 35 (Unified Development Code) of the municipal code to allow for establishment of an exception to the requirement for construction of residential sidewalks.

Staff recommends approval.

**BACKGROUND INFORMATION**

This ordinance would allow new in-fill housing construction (or significant remodeling projects to existing homes) to forego building sidewalks if 70% of the existing developed block does not have sidewalks, and when adjoining properties on either side of the lot also have no sidewalks. City Council first heard this item sponsored by City Council Member Patti Radle, District 5, on April 20, but voted to continue the item until May 4, 2006 to allow staff to consider the option of adding a sidewalk fee to be paid in lieu of sidewalk construction.

**POLICY ANALYSIS**

The City of San Antonio presently requires all applicants for new residential structures or for remodeling projects greater than 25% of the value of a home to construct residential sidewalks. In some areas of the City, there are residential areas developed without sidewalks or curbs. In such cases, the requirement to construct the sidewalk results in a single walk, which will never be connected to other walks to provide a complete pedestrian circulation facility. The imposition of the cost to construct the sidewalk then becomes an unfair financial burden on the individual who will never realize the benefit of a complete circulation system. This amendment will also encourage more infill development to occur.

The exception as proposed would apply only to residentially zoned or residentially developed lots that are 70% developed with no existing sidewalks and where connecting sidewalks do not exist on either side of the property.

A second portion of the amendment is to insert an errata statement into the code that advises applicants that when making ADA improvements to commercial property such as the construction or reconstruction of sidewalks that they may be eligible for a federal income tax credit.

Staff and City Attorney's Office analysis suggests that collecting a fee in-lieu of sidewalk construction and placing the funds in City Council Neighborhood Accessibility and Mobility Program would not be possible due to limitations of State law.

### **FISCAL IMPACT**

There is no impact to the general fund associated with this ordinance.

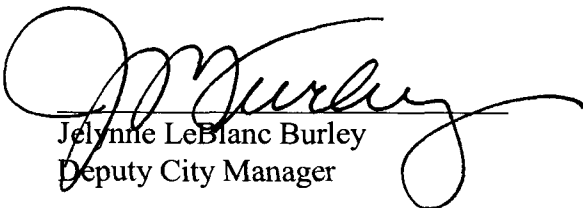
### **COORDINATION**

This ordinance was coordinated with the Disability Access Division of Public Works and the City Attorney's Office. In addition, the item was coordinated with the Governance Council Committee, Urban Affairs Council Committee, and the Planning and Zoning Commissions.

The Zoning Commission recommended approval. Planning Commission recommended approval with some clarifying language and requested quarterly reports on lots meeting this exception.

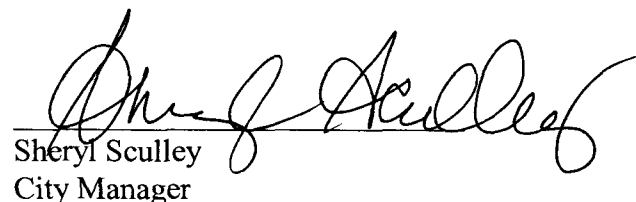


Florencio Peña III  
Director, Development Services Department



Jelynn LeBlanc Burley  
Deputy City Manager

Approved for Council Consideration:



Sheryl Sculley  
City Manager