

## **TC-3-10   PEDESTRIAN ACCESS**

(Revised as recommended by the Planning Commission)

Amends the Pedestrian Access section of the Zoning Code regarding safe pedestrian access throughout individual sites as follows:

- Clarifies the list of uses requiring safe pedestrian access to exempt the following uses:
  - Single family dwelling
  - Multifamily dwelling with six (6) or fewer units
  - Agricultural uses
  - Recreational use – governmental
  - Cemetery
  - Telecommunication tower
  - Billboard
  - Utility substation
  - Other uses not containing a principle building on the premise with the exception of a parking facility
- Addresses phasing on sidewalk construction for existing developments with multiple principle buildings.
- Expands the requirement for safe pedestrian access to address direct and convenient circulation between all main entrances of buildings or uses on a site and available access points such as parking, streets and/or transit stops.
- Requires internal sidewalks to be constructed to a 5-foot minimum width and to be physically separated from vehicular surface areas, except where necessary to perpendicularly cross a drive aisle.
- Requires that the pedestrian access be an ADA-compliant walkway.
- Eliminates the 400-foot maximum distance threshold for requiring safe pedestrian access between the public street and the main entrance of the building.



# Certified Recommendation

Raleigh Planning Commission

CR# 11380

## Case Information: TC-3-10/Pedestrian Access

### Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	LU 2.5 - Healthy Communities LU 4.5 - Connectivity LU 4.9 - Corridor Development T 5.4 – Pedestrian and Bicycle Network Connectivity T 5.9 - Pedestrian Networks T 5.10 - Building Orientation UD 6.2 - Ensuring Pedestrian Comfort and Convenience
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### Summary of Text Change

<i>Summary</i>	Revisions to the zoning code to require a pedestrian connection between the right-of-way and each main building entrance. This text change would implement several Comprehensive Plan policies, and align zoning code requirements with recently adopted State building code requirements.
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### Summary of Impacts

<i>Impacts Identified</i>	<ul style="list-style-type: none"><li>• Pedestrian Connection would be better defined</li><li>• Conflict points would be diminished</li><li>• Impervious surface could increase</li></ul>
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### Public Meetings

<i>Public Hearing</i>	<i>Committee</i>		<i>Planning Commission</i>	
4/20/2010	5/18/10 6/15/10 7/20/10	Text Change Committee	7/27/10	Recommends Approval, as Revised

Attachments: Staff Report, Text Change Summary, List of State Building Code Requirements and Comprehensive Plan Policies, Revised Ordinance, State Building Code Excerpt

## Planning Commission Recommendation

<i>Recommendation</i>	That this text change be approved, as revised.
<i>Findings &amp; Reasons</i>	<p>The regulations proposed by this text change updates the City's Zoning Code to comply with recently-adopted NC State Building Code legislation on ADA accessibility; and incorporates several recommended policies found in the Land Use, Environmental and Transportation Elements of the 2030 Comprehensive Plan.</p> <p>Following the Text Change Committee's deliberation, the Commission has recommended the following revisions to the proposed ordinance:</p> <ul style="list-style-type: none"> <li>• Amend the Landscape Ordinance to not count the pedestrian walkway's impervious surface area toward the 15% maximum allocation allowed within street protective yards (similar to driveways).</li> <li>• Clarify the text associated with "main entrances" and "publically accessible".</li> <li>• Reformat the text to provide a list of those uses that are exempt from the regulations in lieu of the much longer listing of uses required to provide safe pedestrian access.</li> <li>• To allow existing developments with multiple principal buildings to achieve compliance through an approved phasing plan.</li> <li>• To permit walkways on private property to be constructed of asphalt, pavers and other nonskid materials.</li> </ul>
<i>Motion and Vote</i>	<p>Motion: Mullins Second: Fleming</p> <p>In Favor: Anderson, Bartholomew, Batchelor, Butler, Fleming Harris Edmisten, Haq, Mattox, Mullins, Smith, Sterling</p>

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

_____ Planning Director	_____ Date	_____ Planning Commission Chairperson	<u>7/27/10</u> Date
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Staff Coordinator: Greg Hallam: [greg.hallam@ci.raleigh.nc.us](mailto:greg.hallam@ci.raleigh.nc.us)



## Zoning Staff Report – TC-3-10

### Pedestrian Access Text Change

#### Request

<i>Section Reference</i>	10-2091/Pedestrian Access
<i>Basic Information</i>	Amend section to require pedestrian connections to and through development sites. A connection would be required to each main building entrance.
<i>PC Recommendation Deadline</i>	105 days from public hearing referral

#### Comprehensive Plan Guidance

<i>Applicable Policies</i>	LU 2.5 - Healthy Communities LU 4.5 - Connectivity LU 4.9 - Corridor Development T 5.4 – Pedestrian and Bicycle Network Connectivity T 5.9 - Pedestrian Networks T 5.10 - Building Orientation UD 6.2 - Ensuring Pedestrian Comfort and Convenience
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#### Contact Information

<i>Staff Coordinator</i>	Greg Hallam: <a href="mailto:greg.hallam@ci.raleigh.nc.us">greg.hallam@ci.raleigh.nc.us</a> ; 516.2636
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#### History/Overview

This amendment to the zoning code is proposed to implement adopted Comprehensive Plan policies by clarifying the required pedestrian connections to and through a development. Currently, Section 10-2091 requires certain uses within 400 feet of a public street provide one point of public access. The connection is only required for the principal building, and a minimum width is not specified.

The proposed text change would eliminate the 400-foot proximity requirement; expand the list of uses required to provide the connection; define a minimum five-foot walkway width; and require that all entrances of all buildings be served by an accessible walkway. The walkway would be exclusive of the vehicular surface area.

Recent changes to the North Carolina Building Code require an ADA-accessible path between the public right-of-way and buildings. All buildings must be connected by at least one walkway, regardless of their distance from the street.

#### Purpose and Need

The recently-adopted 2030 Comprehensive Plan calls for future development patterns to become more walkable and easily accessible to the transit-riding public (see Policies LU 2.5, LU 4.5, LU 4.9, T 5.4, T 5.9, T 5.10, and UD 6.2). In particular, the proposed text changes implements Policy T 5.10, which reads as follows:

*“All primary building entrances should front onto a publicly accessible, and easily discernible, and ADA-compliant walkway that leads directly from the street to the front door to improve pedestrian access.”*

The purpose of the proposed text change is to ensure better pedestrian access to, and better pedestrian circulation within, developments throughout Raleigh. The text change is intended to have the following positive impacts:

- Facilitating internal trip capture by providing efficient and convenient internal pedestrian connections; and
- Encouraging walking and transit use to, from and between developments by providing for efficient and convenient connections to the public right of way.

## **Alternatives Considered**

The proposed text change largely replicates language recently approved with changes to the North Carolina Building Code. Therefore, there are no alternatives for much of the language. There is a possibility that two pieces of the proposed text change could be modified or deleted. These potential modifications include the removal of two requirements:

1. That all main entrances be connected to an accessible walkway; and
2. That the walkway be separate from the vehicular surface area. Under a “no action” alternative, the scope of pedestrian facilities would be governed by the amendments related to ADA-accessibility.

## **Scoping of Impacts**

Potential adverse impacts of the proposed text change have been identified as follows:

1. Removal of the 400-foot proximity to right-of-way standard will require all listed developments to construct pedestrian connections, regardless of distance from the public right-of-way. These connections have always been encouraged, and in many cases have been provided. The 2009 State building code amendments require a connection from the right-of-way to each building onsite, regardless of distance to the right-of-way. This text change goes further by requiring that the connection be to the main entrances of all buildings.
2. The proposed text change requires that the pedestrian access be exclusive of the vehicular surface areas, except when crossing a drive aisle. This could cause a reduction in onsite landscaping, excess parking, or building footprint. Site design for small lots could become more difficult.
3. The pedestrian connections could pose a conflict with the tree protection ordinance. Impervious surfaces are not allowed within tree protection areas. In situations where tree protection is required adjacent to the right-of-way, pedestrian connections may not cross through these protection areas. It should be noted that this conflict exists today.
4. The proposed changes could increase the amount of impervious surface, and in turn, have an effect on drainage facilities.
5. The proposed changes may increase site development costs. A standard estimate for construction of a five-foot sidewalk is approximately \$15 per linear foot. Because much of the impact would occur regardless due to the new building code

requirements, the additional costs are expected to be a small percentage of total site development costs for most development plans.

## **Impact of Alternatives**

The proposed text change requires that all main entrances of all buildings be connected with a walkway. Potential adverse impacts of the potential alternative (removing “main entrances” from the text change) have been identified as follows:

1. Site plans not providing for pedestrian connections between buildings could cause confusion and pedestrian/automobile conflict points.
2. In large developments, lack of an adequate pedestrian network could result in more people driving between different buildings or uses on the site rather than parking once and walking.

The proposed text change requires that pedestrian walkways be exclusive of the vehicular surface areas. Potential adverse impacts of the potential alternative (removing the requirement for separation of vehicular surface areas and walkways from the text change) have been identified as follows:

1. Walkways that share vehicular surface areas could create pedestrian/vehicle conflict. Separated, well defined walkways would reduce these conflicts.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

1. Under a “no action” alternative, the recent changes to the North Carolina Building Code would still require ADA-accessible connections linking the public right-of-way with the internal buildings. The current provisions of Section 10-2091, which are less restrictive than this standard, would be mostly irrelevant. Inefficient and inadequate pedestrian access within developments will undermine Comprehensive Plan goals and policies that call for more walkable development patterns.

## **Impacts Summary**

### **Adoption of Proposed Text Change**

Adoption of TC-3-10/Pedestrian Access would require new developments to provide pedestrian connections from the main entrances of buildings with the public right-of-way. This could increase the amount of impervious surface. There may also be modest increases in site development costs. On the positive side, pedestrian connections would be better defined and could reduce conflict points with vehicular circulation.

### **Potential Alternative**

The proposed alternative results in retention of the status quo. Staff would continue to encourage pedestrian connection between all main entrances of all buildings, with varying levels of success. For those sites that do not provide dedicated pedestrian connections, conflict will remain between pedestrian and vehicular traffic onsite.

**No action**

Under the “no action” alternative pedestrian requirements will default to the recent amendments to the State building code. These amendments require an ADA connection between buildings and to all public access points (public streets and sidewalks at right-of-way, transit stops and accessible parking/loading zones). The proposed text could be modified as noted above; however, Section 10-2091 of the Zoning Code should change to comply with the State building code. As the building code requirements do not address internal circulation, site plans with inefficient and inconvenient internal pedestrian connections would be approvable under the code. Pedestrian connections could also be of lower quality and might consist of striped or unstriped vehicular access and parking areas.

**ORDINANCE NO. (2010) 770 TC 335  
TC-3-10**

**AN ORDINANCE TO REVISE ZONING REGULATIONS REGARDING SAFE PEDESTRIAN ACCESS BETWEEN THE PUBLIC STREET / SIDEWALK AND THE MAIN ENTRANCE(S) OF BUILDINGS BY EXPANDING THE LIST OF USES REQUIRING SAFE PEDESTRIAN ACCESS, ELIMINATING THE MAXIMUM 400-FOOT PROXIMITY STANDARD AND PROVIDING MINIMUM STANDARDS FOR PEDESTRIAN CONNECTIONS TO BRING CITY CODE INTO COMPLIANCE WITH CURRENT STATE BUILDING CODE REQUIREMENTS FOR ADA ACCESS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:**

**Section 1.** Amend Section 10-2082.5(d), **Street Protective Yard Width Requirements**, first sentence, to include the following words to be inserted between the phrases “in accordance with §10-7001(f)” and “which are exempted”:

“and sidewalk connections fulfilling the minimum requirements of §10-2091”.

**Section 2.** Amend City of Raleigh Code Section 10-2091, Pedestrian Access, by deleting this section in its entirety and substituting in lieu thereof the following:

**“Sec. 10-2091.  
PEDESTRIAN ACCESS.**

*Site plans shall provide safe, direct and convenient pedestrian access connecting main entrance(s) of building(s), establishments or uses on a site that allow for public access, with all other such entrances and with available access points including parking, streets, sidewalks and/or transit stops with the exception of the following uses which shall be exempt from the requirements of this Code Section.*

- *Single family detached dwelling unit*
- *Multifamily dwelling with six (6) or fewer dwelling units*
- *Agricultural use – all uses listed on **Schedule of Permitted Land Uses in Zoning Districts**, §10-2071*
- *Recreational use – governmental*
- *Cemetery*
- *Telecommunication tower*
- *Billboard (off-premise sign)*
- *Utility substation*
- *Other uses not containing a principal building on the premise (with the exception of a parking facility).*



*Site plans* for expansions and new construction of existing developments containing multiple principal *buildings shall* submit a phasing plan along with the *site plan*. The phasing plan *shall* include all necessary elements to address phasing of walkway construction for the existing principal *buildings* and uses on the site as new buildings and building expansion occurs in the future.

The pedestrian access *shall* consist of an accessible, easily-discernible, and ADA-compliant walkway or multi-use path with a minimum width of five (5) feet; the pedestrian access surface located on private property *shall* be constructed on concrete, asphalt or other fixed, firm and nonslip material as approved by the Public Works Director, or his designee. Pedestrian access routes between *buildings* and public rights-of-way *shall* be physically separated from *vehicular surface areas*, except where required to cross a drive aisle; such crossings *shall* be perpendicular wherever practicable.

**Cross Reference:** ADA sidewalk requirements, see ANSI §403.3; ADA allowable surface materials, see ANSI §402.1.”.

**Section 3.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 4.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

**Section 5.** This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

**Section 6.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 7.** This ordinance shall be enforced by law as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

**Section 8.** This ordinance shall become effective five (5) days following its adoption.

**ADOPTED:** August 3, 2010  
**EFFECTIVE:** August 8, 2010  
**DISTRIBUTION:** Silver, Bowers, Crane, Brandon, Hallam, Lamb  
Hargrove, Botvinick, Poole