

## TA 17-08 – Pedestrian Access Definition

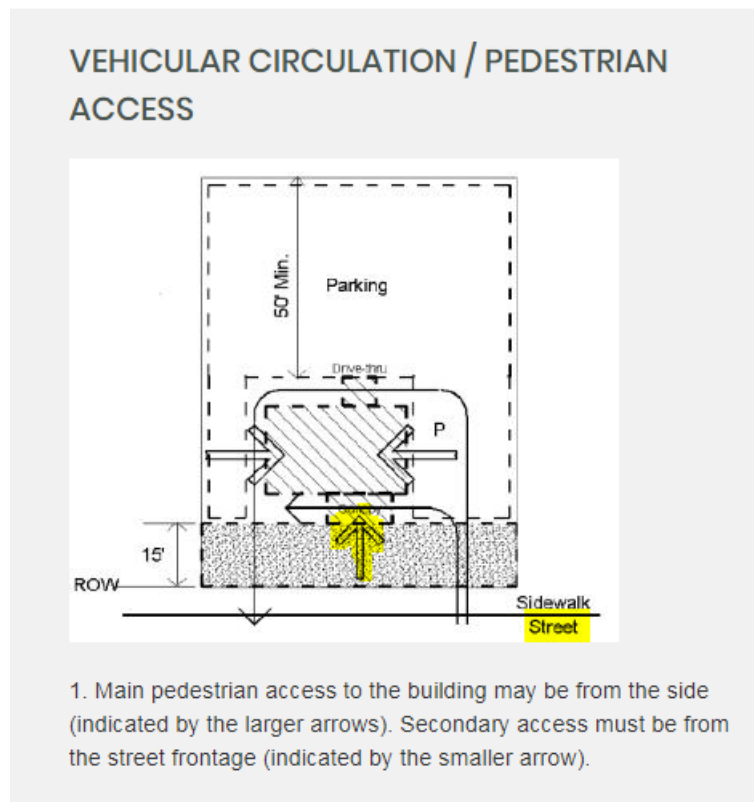
### PART 1: DESCRIPTION

TA17-08 is a request by the Huntersville Planning Department to amend Article 12 of the Huntersville Zoning Ordinance. The purpose of the application is to add a definition for main and secondary pedestrian access for buildings.

### PART 2: BACKGROUND

On November 14, 2017 the Board of Adjustment granted an appeal to staff's determination that required front pedestrian accesses be functional. In their review of the application the Board concluded that since there was no definition of pedestrian access in the ordinance the entrances did not need to be fully functional. In response to the Board's discussion staff is proposing to clarify the existing pedestrian access requirement.

Since its adoption in 1996, the Town of Huntersville Zoning Ordinance has required that all buildings provide access into buildings from the public street. All buildings constructed in Huntersville must meet one of the "Building Types" in Article 4 (Urban Workplace, Highway Commercial, Apartment Building, etc). All building types require either a "primary" or "secondary" entrance from the street elevation. For instance, the Highway Commercial (HC) building type requirement is below: (highlight added)



Therefore for HC buildings, at least a secondary or minor building entrance along the street elevation must be provided that allows pedestrians to access the building or use.

On November 14, 2017 Caliber Collision automotive repair appealed staff's decision that their proposed street access door which led to their car repair bays did not meet the intent of the ordinance. Staff's conclusion was that there would be little reason to expect any customer access to be granted into the automotive repair bays. Additionally the applicant informed staff that the door on the street side would be locked as the business could not allow pedestrians to enter the repair bay area due to liability concerns. In the Board of Adjustment application and at the public hearing, the applicants agreed to allow pedestrians to enter a small vestibule near the repair bays from the street facing door. Then pedestrians would be able to call the staff by way of a telephone in the vestibule to have them escorted outside around the facility by an employee to the office in a separate building. The Board of Adjustment accepted the applicant's proposal as "pedestrian access" as required by the code because there is no definition of pedestrian access and nowhere in the ordinance does it stipulate that the required access be "functional". The appeal therefore was approved by a 6-1 vote. Please find the order granting the appeal attached in the agenda package.

Therefore due to the determination by the Board of Adjustment, staff has proposed this text amendment to add a definition for both "Main Pedestrian Access" and "Secondary Pedestrian Access". The proposed definitions clarify the intent of Article 4 by defining the pedestrian access as functional. Please find the drafted ordinance language attached.

The Land Development Ordinances Advisory Board (LDOAB) considered the proposed text on February 1, 2018. The committee unanimously recommended approval of the proposed text.

### **PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS**

The following are examples of relevant plans and polices from the 2030 Huntersville Community Plan that may be incorporated into the Board's statement of consistency for approval or denial of the request.

- Policy CD-1: Land Use/Transportation Integration: Functional pedestrian access on the street side creates a shorter walking distance between buildings and therefore encourages pedestrian activity.
- Policy CD-4: Multi-Modal Transportation Network: Well-designed walkable development encourages pedestrian activity which reduces the need for vehicular transportation and supports a sustainable land development pattern.
- Policy CD-6: Architecture and Place Making: Requiring development to have a functional access from the street leads the building to at least be partly oriented to the street architecturally, creating an appealing street front.

### **PART 4: STAFF RECOMMENDATION**

Staff recommends approval of the application to address the Board of Adjustment concerns and to clarify the requirements of Article 4.

**PART 5: PUBLIC HEARING**

The Public Hearing is scheduled for March 5, 2018.

**PART 6: PLANNING BOARD RECOMMENDATION**

The Planning Board is scheduled to hear this text amendment on March 27, 2018.

**PART 7: ATTACHMENTS AND ENCLOSURES**

- Draft Language Ordinance
- Order Granting Appeal – Caliber Collision
- November 14 Board of Adjustment Minutes – Caliber Collision Appeal
- Huntersville Ordinance Advisory Board Minutes
- Text Amendment Application

**PART 8: STATEMENT OF CONSISTENCY – TA17-08**

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed amendment TA17-08, to amend Article 12 of the Huntersville Zoning Ordinance: <i>Definitions</i>, the Planning Staff recommends approval based on the amendment being consistent with Policies CD-1, CD-4, and CD-6 of the Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because it clarifies the intent of the existing requirement that pedestrian access to a building be provided from the public street, and is consistent with the principle of encouraging pedestrian oriented development in the Huntersville Zoning Ordinance and 2030 Community Plan.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment TA 17-08, to amend Article 12: <i>Definitions</i> of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with <b><u>(insert applicable plan reference)</u></b></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>	<p><b>APPROVAL:</b> In considering the proposed amendment TA 17-08, to amend Article 12: <i>Definitions</i> of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with <b><u>(insert applicable plan reference)</u></b></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>
<p><b>DENIAL:</b> N/A</p>	<p><b>DENIAL:</b> In considering the proposed amendment TA 17-08, to amend Article 12: <i>Definitions</i> of the Zoning Ordinance, the Planning Board recommends denial based on the amendment being <b><u>(consistent OR inconsistent) with (insert applicable plan reference).</u></b></p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p>	<p><b>DENIAL:</b> In considering the proposed amendment TA 17-08, to amend Article 12: <i>Definitions</i> of the Zoning Ordinance, the Town Board recommends denial based on the amendment being <b><u>(consistent OR inconsistent) with (insert applicable plan reference).</u></b></p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i></p>