

GENERAL

Pedestrian facilities are an important component of the City's overall transportation network. In order to provide optimal pedestrian facilities within the study area, the provision of sidewalks should be considered as an integral part of the City's standard transportation planning and engineering procedures.

REVIEW OF EXISTING SIDEWALK ORDINANCE

Pursuant to current policy, the Director of Public Works for the City of Hendersonville maintains a plan for the location and placement of sidewalks within the City. The plan indicates the general location of sidewalks and establishes priorities for funding. The plan is reviewed annually by the Hendersonville Regional Planning Commission for updating of funding priorities within the Annual Capital Improvements Budget.

The existing sidewalk regulations stipulate the construction of a sidewalk along at least one side of all residential streets. However, for commercial lot development and for development along streets which are a part of the Major Thoroughfare Plan the sidewalk regulations stipulate that the Hendersonville Regional Planning Commission "reserves the right" to require sidewalks. This type of regulation may invite a politicizing of the requirement for sidewalks for these two cases. Specifically, the City's subdivision regulations require sidewalks as follows:

- "Sidewalks shall be constructed along the frontage of **at least one side of any street within all subdivisions**. For streets which end in cul-de-sacs the sidewalk shall be constructed to the point where the street begins to widen from the approved right-of-way width."
- "The Hendersonville Regional Planning Commission reserves the right to require construction of sidewalks **along the frontage of any commercial lot** which does not meet the provisions of Section 4-108.4 if during the process of site plan approval the membership determines it is in the best interest of the City to have the sidewalks constructed." (Section 4-108.4 is "Required Sidewalk Construction")
- "The Hendersonville Regional Planning Commission reserves the right to require sidewalks **on both sides of streets identified on the Major Thoroughfare Plan** if during the plating procedure it is determined to be in the best interest of the City to have the sidewalks constructed."

The subdivision regulations also contain provisions for a "Funding Program" for the development of sidewalks when a developer does not meet the "Required Sidewalk Construction" regulations. The fee is calculated per square foot of occupiable living space in residences, and per square foot of occupiable space (excluding storage and

warehousing) for commercial and industrial areas. The amount of fee is \$0.10 per square foot and is assessed upon the issuance of a building permit.

Provisions are made for fee waiver, fee exemption and for compliance of existing sites with proposed additions.

RECOMMENDATIONS FOR REVISIONS TO EXISTING SIDEWALK ORDINANCE

The following recommendations are made for revision to the existing sidewalk ordinance and/or regulations:

- Re-state the “Purpose” of the regulations to include verbiage such as: “The general purpose of the City’s sidewalk ordinance is to provide for a comprehensive system of sidewalk regulations that will aid in the implementation of the City’s policies regarding sidewalks. City policy is to promote improved pedestrian safety, expanded opportunity for recreational walking and jogging activities, more cohesive neighborhoods and access to schools, parks, libraries or other similar type facilities.”
- Retain the current policy of requiring the Director of Public Works to maintain a plan for the location and placement of sidewalks within the City, including the provisions for funding priorities.
- Retain the current “Funding Program” policy.
- Review (and revise if necessary) the “Hendersonville Regional Planning Commission Override” section for conformance to the other recommendations herein.
- Add to or revise the “Required Sidewalk Construction” regulations as follows:

Sidewalks shall be constructed on both sides of all new public streets, including cul-de-sacs but excluding alleys, in residential subdivisions with the provision that the Planning Commission can grant a variance where appropriate;

Sidewalks and/or bike lanes shall be constructed on all new non-residential streets, with the provision that the Planning Commission can grant a variance where appropriate;

Sidewalks shall be required on the bulb (turn-around) portion of cul-de-sacs;

Sidewalks shall be constructed along the public street frontage (excluding controlled access highway frontage) of all commercial, office and multi-family residential developments;

Sidewalks shall be constructed along the collector and arterial public street frontage(s) of all industrial developments;

Sidewalks shall be constructed on both sides of streets identified on the Major Thoroughfare Plan;

Where sidewalks are replaced (due to breakage, utility cuts, age, etc.) or adjoin an existing sidewalk, sidewalks shall be constructed of similar color and texture; and,

All sidewalk construction shall comply with the Americans with Disabilities Act (ADA).

Fee in Lieu of Construction may be considered by the Planning Commission when the Planning Commission deems that the delay of the construction of the sidewalks under consideration is in the best interest of the citizens of Hendersonville, or when any of the following circumstances exists:

- When the public street frontage is along a street that is scheduled for improvement (i.e. widening) within the next three years; and,
- When an adjoining public street that is within 100' of the required sidewalk is scheduled for improvement (i.e. widening) within the next three years.

Fee in Lieu of Construction should not be allowed when any of the following circumstances exists:

- The City's adopted sidewalk plan specifies sidewalks in the location;
- The location is within 1,000' of an existing sidewalk on the same side of the street;
- The facility will be classified as a bicycle and/or pedestrian generator/attractor (examples include schools, day-care, libraries, retail facilities, office parks, hospitals, etc.);
- The facility is within 1,500' of a regular transit stop; or,
- The facility is within 2,500' of an existing or proposed school;

These recommendations should help to increase the authority the Public Works and Planning Department have with regard to sidewalk regulations, and should mitigate the politicizing of decisions with regard to sidewalk requirements.

OTHER KEY RECOMMENDATIONS

As part of the project review process, each proposed residential subdivision, commercial development, and roadway project within the study area should be evaluated in terms of additional potential connections to the City's bicycle and pedestrian network. Also, as roadway improvement projects are implemented, sidewalks should be considered to be included during the advance planning report (APR), engineering and design process.

All sidewalk construction should be the responsibility of the developer and should be bonded at the time the final plat is filed in the Register of Deeds office. Further, all physical improvements should be constructed or installed prior to street acceptance.