



Request: Revisions to the Subdivision Regulations concerning Sidewalks

Proposed by: Grant Green, City Planner

Changes to the Regulation

1. Proposed changes are in italics and underlined. Newest changes are bold.
2. An exemption to the sidewalk requirements has been added. Commercial and industrial subdivision plats will be exempt. Sidewalks or a fee-in-lieu will still be required for any development at site plan stage.
3. A clarification has been added for the fee-in-lieu, stating that the fee-in-lieu is to be paid prior to issuance of a building permit for site plans. This option is not available for plats.

4-108.3 Locations

Sidewalks shall be located on both sides of any new or existing public arterial, collector, and local level street within the right-of-way. Property owner shall only be responsible for the installation of sidewalks along their property lines with street frontages; and shall pertain only to the lot(s) where changes are proposed. When a plat has frontage on an existing street, sidewalks shall be required in relation to the final curb line along the frontage of the existing street. In addition, where the new or existing street is a cul-de-sac, the sidewalk shall be continued completely around the cul-de-sac.

Exemption: Residentially zoned Minor Subdivisions consisting of three or fewer proposed lots. This exemption

shall only apply if the city staff finds that it is appropriate. This decision can be overturned by the Planning Commission.

Exemption: Lots within a Major Subdivision in which sidewalks were not required as part of the original subdivision approval for the applicable street frontage (i.e. when building permits are issued).

Exemption: Commercial and Industrial subdivision plats.

Exemption: Site plans having minor improvements to the existing lot (e.g. addition of parking area, building additions having no more than a 10% increase in area). Those qualified for the exception are to be determined by the City Planner.

Exemption: Government facilities, if need is determined by the Planning Commission.

In the event there is an attempt to use an exception to circumvent the sidewalk requirement (i.e. submission of multiple minor subdivisions to achieve a major subdivision), the City may take whatever action necessary to recover sidewalk costs.

4-108.6 Fee in Lieu Option

An applicant may request to pay a fee in lieu of constructing sidewalks. The City Planner, City Engineer, and Public Works Director may support this option upon finding that construction of a sidewalk is not appropriate due to the following:

1. There is no existing sidewalk network in the area.
2. The site is located in a rural area.
3. When drainage ditches are present along an existing or proposed street that would prevent a reasonable installation within the right-of-way.
4. When sidewalks would be located on land with cross slopes greater than nine percent (9%), or other conditions that would create a potential hazard.
5. Other situations unique to a site.

The fee-in-lieu of sidewalk construction fee shall be assessed at \$3.75 per square foot for 1,000 linear feet or less street frontage, and \$3.50 per square foot for over 1,000 linear feet of street frontage. The fee must be paid

prior to plat recording or issuance of a building permit **for site plans**. All fees paid shall be used for sidewalk construction within the City of La Vergne. Anticipated priorities for sidewalk construction are along major thoroughfares, near schools and parks, and in commercial areas that could attract pedestrian traffic.

A performance bond can also be used to temporarily satisfy the sidewalk requirement for a final plat. If the sidewalks have not been constructed or a fee-in-lieu paid to the City within a reasonable period of time, the City may call on the allotted bond amount and place it into the sidewalk fund. Bond and time requirements are at the discretion of the La Vergne Planning and Engineering Department.