

PLANNING COMMISSION RESOLUTION #2008-01

A RESOLUTION TO AMEND ARTICLE 4, SECTION 4-108 OF THE CITY OF LA VERGNE SUBDIVISION REGULATIONS REGARDING PUBLIC WAYS.

WHEREAS, the following changes have been reviewed by the La Vergne Planning Commission; and,

WHEREAS, a public hearing thereon has been held as required as required by law;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF LA VERGNE PLANNING COMMISSION:

That the Subdivision Regulations of the City of La Vergne, Tennessee, are hereby amended to read as follows:

SECTION I. Amend ARTICLE IV, Section 4-108 to read as follows:

4-108 Pedestrian Ways

4-108.1 Sidewalks and Bicycle Paths

Sidewalks shall be required in all subdivision plats or site plans, except as provided for exemptions made within subsection 4-108.3, and the fee-in-lieu option in subsection 4-108.5. Sidewalks shall be included within the dedicated nonpavement right-of-way of all public ways as indicated in the following table and shall be improved as required by Subsection 4-103.4 of these regulations. Construction shall follow specifications as shown in the Public Works manual. Concrete curbs are required for all public ways where sidewalks are to be constructed, unless approved otherwise by the City Engineer. A median strip of grassed or landscaped area up to four (4) feet wide shall separate all sidewalks from adjacent curbs, unless the planning commission finds that this is not feasible. Roads and streets shown on the major thoroughfare plan may need additional considerations, and if so, the grass strip may be widened.

SIDEWALK DESIGN

Class of Street	Sidewalk Width - Residential Public Way	Sidewalk Width - Non-residential Public Way
Local Public Way	5 feet wide	6 feet wide
Collector Public Way	5 feet wide	6 feet wide
Arterial Public Way	5 feet wide	6 feet wide

4-108.2 Pedestrian Accesses

The planning commission may require, in order to facilitate pedestrian access from the public way to schools, parks, playgrounds, or other nearby public ways, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

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. The 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: 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.

4-108.4 Obstructions

Obstructions such as utility poles, fire hydrants, mail boxes, and signs shall not be located within the sidewalk unless approved by the City of La Vergne Engineering Department.

4-108.5 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. 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.

4-108.6 Wheelchair Accessibility

Sidewalks and wheelchair access ramps shall comply with all current City of La Vergne, State and Federal requirements. Wheelchair access ramps will be required at all street crossings. If no curb ramp exists at an existing street connecting to the new subdivision, then a wheelchair access curb ramp meeting all applicable standards shall be installed at the existing street.

SECTION II. Each section, subsection, paragraph, sentence and clause of this resolution is hereby declared to be separable and severable. The validity of any section, subsection, paragraph, sentence or clause shall not be effected by the invalidity of any other portion of this

resolution, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted herefrom.

SECTION III. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION IV. This Resolution shall take effect immediately upon passage, the public welfare requiring it.

LEGAL STATUS PROVISIONS

Approved and certified by the Planning Commission:

_____ Chairman _____ Date

_____ Secretary _____ Date

Public Hearing Held: _____

Date of Legal Notice: _____

ATTEST:

Bruce E. Richardson, City Recorder