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NASHVILLE AND DAVIDSON COUNTY**
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Board of Zoning Appeals

Docket Date: July 5, 2018

Requests for Variances from the Sidewalk Ordinance

- 2018-221 (Council District – 02)
- 2018-228 (Council District – 32)
- 2018-315 (Council District – 20)
- 2018-316 (Council District – 20)
- 2018-324 (Council District – 02)
- 2018-325 (Council District – 02)
- 2018-332 (Council District – 17)
- 2018-334 (Council District – 17)
- 2018-335 (Council District – 05)
- 2018-336 (Council District – 31)
- 2018-343 (Council District – 09)
- 2018-347 (Council District – 19)

The following are recommendations from the Planning Department to the BZA for applicants for variances from the Sidewalk Ordinance which requires developers to install new sidewalks or make in-lieu fund contributions under certain conditions.

If the BZA applicant agrees with the recommendations of the Planning Department, their case will be eligible to be placed on the consent agenda for the meeting. If there is opposition present to the BZA application at the board meeting, the case will not be eligible for the consent agenda and will be heard in the order it was received.

Some of the BZA cases listed here may be withdrawn or deferred by the applicant prior to the meeting.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-221 (3304 Dickerson Pike)

Metro Standard:	4' grass strip, 10' sidewalk, as defined by the Major and Collector Street Plan standard
Requested Variance:	Not construct sidewalks
Community Plan Policy:	T4 CC (Urban Community Center)
MCSP Street Designation:	T4-M-AB5-IM
Transit:	#43 – Hickory Hills; future Arterial BRT per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to renovate an existing restaurant and requests a variance from building sidewalks due to impacts with existing parking along the frontage of the site.

Planning evaluated the following factors for the variance request:

- (1) A 5' sidewalk without a grass strip exists along the block face of Dickerson Pike approximately 428' to the south. A consistent sidewalk pattern does not exist for Dickerson Pike.
- (2) The property is irregularly shaped because of a business sign located in visual proximity to Interstate 65. A shared parking area utilized by the restaurant and an adjacent motel extends along the Dickerson Pike frontage with parking for approximately 9 vehicles. An access easement connects the two sites. Parking will be impacted with new curb, gutter, grass strip, and sidewalks given the site's grade with Dickerson Pike. There is currently approximately 14' to 17' from the edge of pavement to the parking stalls.

Given the factors above, staff recommends **approval with conditions:**

1. The applicant shall contribute in lieu of construction for the Dickerson Pike frontage.
2. Prior to the issuance of building permits, dedicate right-of-way along the Dickerson Pike frontage per the Major and Collector Street Plan, except where precluded by parking.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-228 (5773 Mt. View Road)

Metro Standard:	8' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan standard
Requested Variance:	Not build sidewalks or contribute in-lieu of construction (eligible)
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	T3-R-AB3
Transit:	None existing; none planned
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes placing a mobile home dwelling on the property and requests a variance from building sidewalks along the property frontage. Planning evaluated the following factors for the variance request:

- (1) Mt. View Road is identified as an Arterial-Boulevard within the Major and Collector Street Plan, designated to be expanded from its current two lane configuration to three lanes in the future as residential development occurs along the corridor.
- (2) The property's frontage has a ditch, topography, and vegetation with a series of mature trees that buffer the property from the street. A sidewalk would be challenging to construct and would significantly impact the vegetation.
- (3) The property has a frontage length of approximately 145' along Mt. View Road, which is a large lot and conforms to a more rural pattern instead of a more suburban development. Since the property is currently zoned AR2A, there is future opportunity to develop this property and surrounding properties to a more suburban character with a rezoning that reflects the Suburban Neighborhood Maintenance policy. In this case, sidewalks are premature with the proposed single family structure.

Given the factors above, staff recommends **approval with conditions:**

1. Prior to the issuance of building permits, dedicate right-of-way along the Mt. View Road property frontage to accommodate future sidewalks per the Major and Collector Street Plan Standards.
2. If the site is rezoned and subdivided in the future to a more suburban development pattern envisioned by the Community Plan policy, the redevelopment shall incorporate sidewalks meeting the current standard.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-315 (201 Oceola Avenue)

Metro Standard:	Oceola Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard
	Burgess Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not build sidewalks
Community Plan Policy:	T3 NE (Suburban Neighborhood Evolving)
MCSP Street Designation:	Oceola Avenue – Local Street
	Burgess Avenue – Local Street
Transit:	Approximately 405’ west of #3 – West End/White Bridge
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant proposes constructing a single family dwelling and requests a variance from building sidewalks along both property frontages. The applicant indicates a hardship with existing storm drainage ditches along the Oceola property frontage that carries stormwater to the south.

Planning evaluated the following factors for the variance request:

- (1) New sidewalks which meet the local street standard will be constructed for a nearby development located 50’ north of this site. Additionally, sidewalks were recently constructed with new development directly across Oceola Avenue at the northeast corner of the Burgess Avenue and Oceola Avenue intersection.
- (2) A drainage ditch parallels the Burgess Avenue frontage. Metro Water Services has confirmed that the nearby development will reestablish the drainage ditch along Oceola Avenue. They have further indicated that the typical sidewalk section would be feasible along the applicant’s frontages with the construction of curb and gutter and installation of stormwater infrastructure including headwall, inlets, and pipe.

Given the factors above, staff recommends **disapproval. The applicant shall build sidewalks along the property frontages.**

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-316 (439 West Bend Drive)

Metro Standard:	West Bend Drive - 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
	Obrien Avenue – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not build sidewalks
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	West Bend Drive - Local Street
	Obrien Avenue – Local Street
Transit:	Approx. ¼ mile from #10 – Charlotte
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant proposes constructing a single family home on the property and requests a variance from constructing sidewalks because of topography and impacts to storm water infrastructure, specifically a ditch that runs along the Obrien Avenue frontage.

Planning evaluated the following factors for the variance request:

- (1) The ditch along Obrien Avenue is typical for residential streets, and the existing cross drain is typical for corner lots. Metro Water Services has confirmed the property is appropriate for sidewalk construction.
- (2) Per the Zoning Ordinance, the applicant is eligible to contribute in lieu of construction. Electing to make the contribution in lieu of construction supplements Metro's annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property, which is within one of Metro's sixteen pedestrian benefit zones. Staff finds no unique hardship for the property, as a sidewalk could be constructed on the site.

Given the factors above, staff recommends **disapproval. The applicant shall build sidewalks or contribute in-lieu of constructing sidewalks along the property frontages.**

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-324 (0 Fern Avenue)

Metro Standard:	Fern Avenue – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
	Weakley Avenue – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not build sidewalks
Community Plan Policy:	T4 MU (Urban Mixed Use Neighborhood)
MCSP Street Designation:	Fern Avenue – Local Street
	Weakley Avenue – Local Street
Transit:	400' from #14 – Whites Creek
Bikeway:	None existing; Minor Protected Bike Lanes Planned per WalknBike

Planning Staff Recommendation: *Approve with conditions*

Analysis: The applicant is constructing a new single family structure on the property. The property was transferred from the Metropolitan Development and Housing Agency to Affordable Housing Resources, Inc. with the purpose of providing an affordable housing development. MDHA has confirmed that Affordable Housing Resources, Inc. has recorded a deed restriction for use and occupancy of the property by TennCare CHOICES housing participants for 15 years. Planning evaluated the following factors for the variance request:

- (1) There are 5.5' sidewalks with no grass strip along the property's Weakley Avenue frontage. A right-of-way dedication will ensure that Metro does not have to purchase a portion of the property in the future to upgrade the sidewalks.
- (2) There are currently no sidewalks along this portion of the property's Fern Avenue frontage.
- (3) Requiring additional infrastructure on properties restricted for affordable housing competes with the city's priority to provide more affordable housing in Nashville.

Given the factors above, staff recommends **approval with conditions:**

1. The applicant shall dedicate right-of-way across the property's Fern Avenue and Weakley Avenue frontage to accommodate a future 4' grass strip and 5' sidewalk.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-325 (524 Weakly Avenue)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalks
Community Plan Policy:	T4 MU (Urban Mixed Use Neighborhood)
MCSP Street Designation:	Local Street
Transit:	400' from #14 – Whites Creek
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions*

Analysis: The applicant is constructing a new single family structure on the property. The property was transferred from the Metropolitan Development and Housing Agency to Affordable Housing Resources, Inc. with the purpose of providing an affordable housing development. MDHA has confirmed that Affordable Housing Resources, Inc. has recorded a deed restriction for use and occupancy of the property by TennCare CHOICES housing participants for 15 years. Planning evaluated the following factors for the variance request:

- (1) There are 5.5' sidewalks with no grass strip along the property's frontage. A right-of-way dedication will ensure that Metro does not have to purchase a portion of the property in the future to upgrade the sidewalks.
- (2) Requiring additional infrastructure on properties restricted for affordable housing competes with the city's priority to provide more affordable housing in Nashville.

Given the factors above, staff recommends **approval with conditions:**

1. The applicant shall dedicate right-of-way across the property's frontages to accommodate a future 4' grass strip and 5' sidewalk.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-332 (2020 10th Avenue South)

Metro Standard:	Benton Avenue – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
	10 th Avenue South – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalks
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Benton Avenue – Local Street
	10 th Avenue South – Local Street
Transit:	#17 – 12 th Avenue South
Bikeway:	Existing Low Stress Bikeway

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a single family dwelling and requests a variance from upgrading sidewalks along the property's Benton Avenue and 10th Avenue South frontages. Planning evaluated the following factors for the variance request:

- (1) A 2' grass strip and 5' sidewalk exists along Benton Avenue. On a Local Street, a slightly narrower grass strip is an acceptable alternative design to accommodate utilities and still provide a safety buffer between traffic and pedestrians.
- (2) A 3' grass strip and 6' sidewalk exists along 10th Avenue South. This is an acceptable alternative design.
- (3) The intersections of Benton Avenue & 10th Avenue South and Benton Avenue with the property's rear alley do not meet current ADA standards. Truncated domes on the pedestrian ramp at the intersection of Benton Avenue and 10th Avenue South are recommended.

Given the factors above, staff recommends **approval with conditions:**

1. Prior to the issuance of building permits, dedicate right-of-way along the Benton Avenue property frontage to accommodate future sidewalks per the Metro Local Street standard.
2. Coordinate with Metro Public Works with regards to the sidewalk ramp access at the intersection of Benton Avenue & 10th Avenue South (Detail ST-321) and at the entrance of the alley to the rear of the property to ensure ADA compliance (Detail ST-324 or ST-325).

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-334 (207 Mildred Shute Avenue)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalk
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Local Street
Transit:	Approximately 90' west of #52 – Nolensville Pike BRT Lite
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a single family dwelling and requests a variance from upgrading sidewalks to the Metro Local Street standard due to the presence of an existing sidewalk along the frontage of the site. The property has an existing frontage width of approximately 47'. Planning evaluated the following factors for the variance request:

- (1) A 5' sidewalk with no grass strip currently exists along Mildred Shute Avenue for the entire block from 3rd Avenue South to 2nd Avenue South.
- (2) This area does not have an established grass strip within the existing sidewalks. On a Local Street, it is ideal to include a grass strip between 2' and 4' wide to accommodate signs, utility poles, and other potential obstructions. Given the BZA decision involving Case 2017-130, upgrading the sidewalk to include a grass strip is difficult with the approved setbacks.

Given the factors above, staff recommends **approval with conditions**:

1. The applicant shall contribute in-lieu of construction for the property frontage.
2. Prior to the issuance of building permits, dedicate right-of-way along the property frontage to accommodate future sidewalks per the Metro Local Street Standard where not precluded by the building footprint.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-335 (934 McFerrin Avenue)

Metro Standard:	McFerrin Avenue - 6' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan standard
	Seymour Avenue – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Construct alternate sidewalk design for McFerrin Avenue
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	McFerrin Avenue – T4-R-CA2
	Seymour Avenue – Local Street
Transit:	#30 – McFerrin
Bikeway:	Minor Separated Bikeway Planned on McFerrin Avenue

Planning Staff Recommendation: *Disapprove*.

Analysis: The applicant proposes constructing an eight unit townhome development at the southwest corner of the McFerrin Avenue and Seymour Avenue intersection. A variance is requested to provide an alternate sidewalk design deviating from the Collector-Avenue Major and Collector Street Plan sidewalk design standard for the McFerrin Avenue frontage. Planning evaluated the following factors for the variance request:

- (1) The Major and Collector Street Plan identifies a 6' grass strip and a 6' sidewalk along this portion of McFerrin Avenue, however the applicant proposes to construct a 4' grass strip and 5' sidewalk. McFerrin Avenue is a Collector-Avenue. Collector-Avenues often accommodate more traffic at higher speeds. In cases where the entire block has not been developed, the MCSP standard should be accommodated along a Collector-Avenue unless there are identified hardships. There are no hardships such as extreme topography, floodplain, or major transmission utilities identified by the applicant.
- (2) Further, Metro Historic staff has indicated that the property is within a block that is non-contributing due to the redevelopment of the entire block face within the historic district. Staff asserts that new sidewalk construction would not impact the character of the historic neighborhood. The proposed development has not received approval with Metro Historic, so the layout should be modified to accommodate the MCSP sidewalk standard along McFerrin Avenue.
- (3) The applicant proposes to construct a 4' grass and a 5' sidewalk along the Seymour Avenue frontage which meets the Metro Local Street standard.

Given the factors above, staff recommends **disapproval**. **The applicant shall construct sidewalks per the Major and Collector Street Plan standard along McFerrin Avenue.**

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-336 (950 Brittany Park Drive)

Metro Standard:	Bell Road – 6’ grass strip, 8’ sidewalk, as defined by the Major and Collector Street Plan
	Blue Hole Road – 8’ grass strip, 6’ sidewalk, as defined by the Major and Collector Street Plan
	Brittany Park Drive – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Build alternate sidewalks as approved by Planning Commission on April 26, 2018
Community Plan Policy:	T3 NE (Suburban Neighborhood Evolving)
	CO (Conservation: slopes, stream buffer, protected species)
MCSP Street Designation:	Bell Road – T3-M-AB7-S-LM
	Blue Hole Road – T3-R-AB3
	Brittany Park Drive – Local Street
Transit:	#33 Hickory Hollow/Lenox Express
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve per Metro Planning Commission Resolution RS2018-106.*

Analysis: The subject property previously requested approval for a preliminary plan revision and for final site plan approval for a portion of a Planned Unit Development to construct a 301-unit multifamily development at the southwestern corner of Bell Road and Blue Hole Road. The plan revision and final site plan were approved with conditions by the Metro Planning Commission at its April 26, 2018 public hearing to increase the total amount of units within this portion of the development from 280 to 301 units (Resolution No. RS2018-106).

Due to the 100-year floodplain in close proximity to Bell Road and Blue Hole Road, the Metro Planning Commission, per Planning Staff recommendation, approved a requested sidewalk variance with alternate designs as identified on the attached site plans. The updated site plans respond to the Metro Stormwater Management Committee’s denial of Variance Request No. 201600034 on November 3, 2016, and approving the alternate plan.

Given the factors above, staff recommends **approval. The applicant shall upgrade and construct the sidewalks as recommended by the Metro Planning Commission per Resolution RS2018-106 as identified on the attached approved site plans:**

1. The applicant shall construct a 6’ grass strip, 8’ wide sidewalk, and 10’ scenic buffer along the Bell Road property frontage from the western property line of parcel 16200011800 to Blue Hole Road, except for 620 linear feet, as indicated on the attached site plan.
2. The applicant shall construct a 5’ grass strip and 5’ wide sidewalk along the Blue Hole Road property frontage from the southern property line of parcel 16200012000 to Bell Road, except for 230 linear feet which shall be constructed with a 2’ grass strip and 5’ sidewalk, as indicated on the attached site plan.
3. The applicant shall construct a 4’ grass strip and 5’ sidewalk along both sides of Brittany Park Drive, internal to the site.

Metro Planning Commission Approved Site Plan from April 26, 2018 (Resolution RS2018-106)



Design Services For The Built Environment

Atlanta, GA, Louisville, KY
 Birmingham, AL, Charlotte, NC
 Columbia, SC, Dallas, TX
 Fort Lauderdale, FL, Houston, TX
 Jacksonville, FL, Tampa, FL

GRESHAM PARTNERS

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OXFORD COMMONS
 (MILLWOOD COMMONS PHASE II)
 BELL ROAD & BLUE HOLE ROAD
 ANTOCH, TN 37013

OXFORD PROPERTIES
 3294 NORTHSIDE PARKWAY
 THE MEDICI BLDG. SUITE 150
 ATLANTA, GA 30327

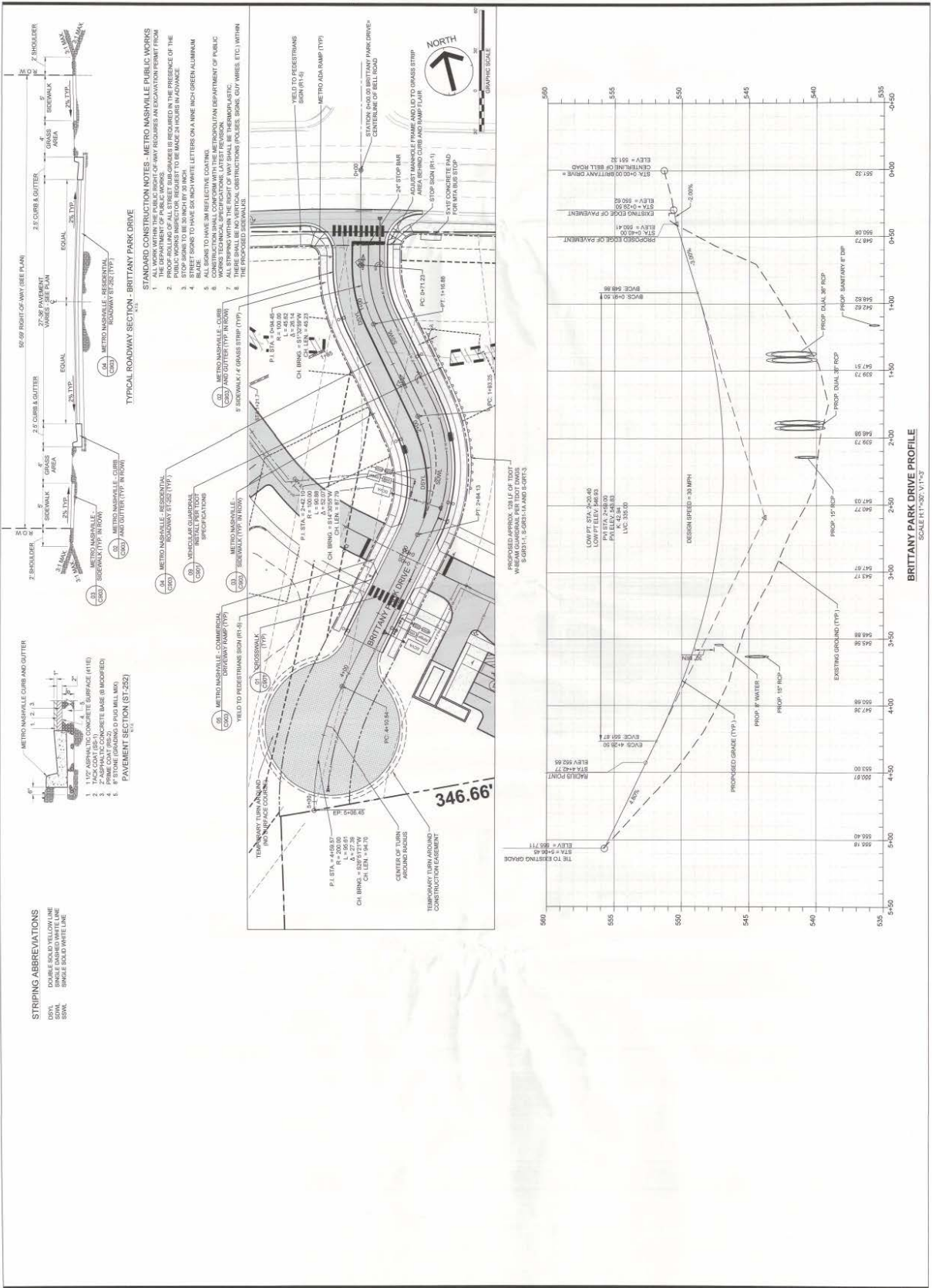


DUSTIN J. SORRUS - TIME #118094

Revision	
No.	Description

ROW IMPROVEMENT P&P - BRITANNY PARK DR

C210
 PROJECT: 4/26/18
 DATE: 05/08/2018



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-343 (222 Myatt Drive)

Metro Standard:	4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not construct sidewalks, not contribute in-lieu of construction (eligible)
Community Plan Policy:	T4 CM (Urban Mixed Use Corridor)
MCSP Street Designation:	T4-M-AB4
Transit:	#27 – Old Hickory; #36X – Madison Express
Bikeway:	None existing; bike lanes planned

Planning Staff Recommendation: *Disapprove*

Analysis: The applicant is constructing a new single family structure on the property, and requests not to construct sidewalks or contribute in lieu due to the lack of existing sidewalks in the area. Per the Zoning Ordinance, the applicant is eligible to contribute in lieu of construction. Electing to make the contribution in lieu of construction supplements Metro's annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property, which is within one of Metro's sixteen pedestrian benefit zones. Staff finds no unique hardship for the property, as a sidewalk could be constructed on the site.

Given the factors above, staff recommends **disapproval as the applicant has the option to contribute in-lieu of constructing sidewalks.**

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-347 (230 Willow Street)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Local Street standard
Requested Variance:	Contribute in lieu of construction (not eligible)
Community Plan Policy:	T4 MU (Urban Mixed Use Neighborhood) CO (Conservation: slopes along property frontage)
MCSP Street Designation:	Local Street
Transit:	400' from #27 – Old Hickory; #33X – Hickory Hollow/Lenox Express; #34 – Opry Mills; #37X – Tusculum/McMurray Express; #38X – Antioch Express; #84/86/96X – Nashville/Murfreesboro Relax and Ride
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions*

Analysis: The applicant is constructing a new office building on the property replacing a warehouse, and requests to contribute in lieu of construction due to steep slopes across the property frontage. Planning evaluated the following factors for the variance request:

- (1) The property sits approximately 20' below Willow Street because, historically, the property serviced the rail line to the north. Constructing a sidewalk adjacent to that condition would present an unsafe situation for pedestrians.
- (2) Per the Zoning Ordinance, the applicant is not eligible to contribute in lieu of construction because the property is in the Urban Zoning Overlay. However, electing to make the contribution in lieu of construction supplements Metro's annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property, which is within one of Metro's sixteen pedestrian benefit zones.

Given the factors above, staff recommends **approval with conditions:**

1. The applicant shall contribute in-lieu of construction for the property frontage.
2. Prior to the issuance of building permits, dedicate right-of-way along the property frontage to accommodate future sidewalks per the Metro Local Street standard.

APPENDIX

Sidewalk Guidelines

General Requirements

1. Construction of new sidewalks is required along the entire lot frontage unless, a portion of the frontage abuts a proposed sidewalk segment that Public Works has funded and scheduled for construction.
2. Dimensions shall comply with the Major and Collector Street Plan and Public Works design standards.
3. Obstructions are prohibited within the pedestrian travel way.
4. Driveways, walkways, and other improvements shall be designed to accommodate future sidewalk construction where a planned sidewalk is identified in the Strategic Plan for Sidewalks and Bikeways.
5. Dedication of Rights-of-Way is required as needed:
 - a. with the construction of sidewalks,
 - b. with a contribution in-lieu of construction,
 - c. with permits for one or two family additions, or any renovation with a cost equal to or greater than 25% of the assessed value.

Multi-Family or Non-Residential Properties

Sidewalks are required when lots are:

1. Redeveloped.
2. New Development is on a vacant lot.
3. Renovation Cost is equal to or greater than 50% of the assessed value of all structures on the lot, or the value of multiple renovations during any five-year period equal or greater than 75% of the assessed value of all structures on the lot.
4. Expansion Cost is equal or greater than 25% of the assessed value of all structures on the lot, or the value of multiple expansions during a five- year period is equal to or greater than 50% of the assessed value of all structures on the lot.
5. Expansion Square Foot is equal or greater than 25% of the total square foot of all structures on the lot, or the total square foot of multiple expansions during a five- year period is equal to or greater than 50% of the total square foot of all structures on the lot.

And any of the following are met:

1. The property is within the Urban Services District.
2. Within a Center designated in the General Plan.
3. Within a quarter mile of a Center designated in the General Plan, unless the property is on the opposite side of a river or access controlled highway from a center.
4. On a street in the Major and Collector Street Plan.

New Single Family or Two-family Construction

Sidewalks are required when lots are:

1. Within the Urban Zoning Overlay.
2. Within a Center designated in the General Plan.
3. Within a quarter mile of a Center designated in the General Plan, unless the property is on the opposite side of a river or access controlled highway from a center.
4. On a street in the Major and Collector Street Plan.

In-Lieu Fee is Not Applicable

1. When there is an existing sidewalk in need of repair or replacement.
2. Existing sidewalk present on the same block face.
3. Multi-family or Non-Residential Properties within the Urban Zoning Overlay.
4. Multi-Family or Non-Residential Properties along a street in the Major and Collector Street Plan.
5. If a portion of the proposed sidewalk segment abuts a proposed sidewalk segment that Public Works has funded and scheduled for construction.

**For additional information, see Third Substitute Ordinance No. BL2016-493
(http://www.nashville.gov/mc/ordinances/term_2015_2019/bl2016_493.htm)**