

CHAPTER 5. WALKABLE SUBDIVISIONS

5- 1. Purpose

1. *Purpose.* The purpose of the requirements of this Chapter is to promote urban forms of development. The greatest impact that the subdivision regulations have on creating urban development patterns is through the regulation of block size, the scale of the street relative to the anticipated uses, street connectivity, additional pedestrian connections, and requirements for open space such as neighborhood parks or urban plazas. Walkable Subdivisions facilitate the creation of more urban, walkable communities through improved pedestrian connections and improved access to transit. In addition, through greater street connectivity, Walkable Subdivisions can improve the function of the arterial road system by keeping local trips on local streets.
2. *Design.* This Chapter is designed to be used for infill subdivisions that are built at urban densities and are intended to be part of a larger, integrated, connected community as well as for subdivisions that may contain single use or mix of uses, built at urban densities, that create a development pattern that initiates or adds to a well connected street system that promotes walkable, urban communities. Walkable Subdivisions contribute to the creation of complete mixed-use neighborhoods. Key features of mixed-use neighborhoods include:
 - Street networks, scaled relative to the anticipated uses on a block, that disperse traffic and offer a variety of pedestrian and vehicular routes to destinations while connecting and integrating the neighborhood with surrounding communities.
 - A center that ideally includes a mix of uses and building types as well as a central public gathering space.
 - A variety of housing choices.
 - A diverse mix of activities (residences, shops, schools, workplaces and parks, etc.) occurring in close proximity.
 - A range of transportation options including cars, transit, bicycles and walking.
 - Well designed open spaces, greens, and parks, accessible and convenient to all.

5-2. Applicability

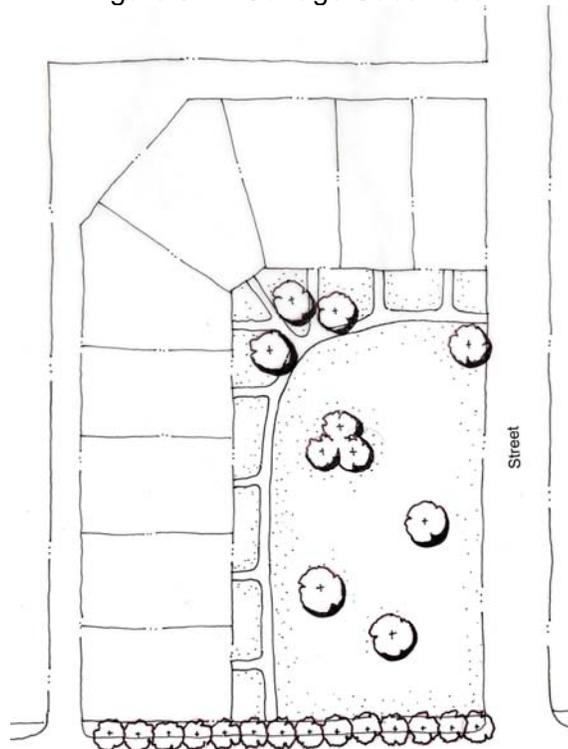
1. *Applicability.* Walkable Subdivisions may be applied anywhere in Metro.
2. *Standards for Walkable Subdivisions.* In addition to the requirements contained in the General Requirements for all subdivisions, the standards of this Chapter shall apply to Walkable Subdivisions.
3. *Alternative Standards.* Where a development is regulated by an Urban Design Overlay, or other district governed by urban design standards, and sets out special design intentions that differ from the standards of Chapter 5 but meet the purpose and design of Walkable Subdivisions, the Planning Commission may approve the alternative standards.

5-3. Lot Requirements

1. *Frontage.* Each lot shall have frontage onto a street or onto a common open space. Lots that front onto a common open space shall have vehicular access from an abutting public or private alley, a shared driveway easement, or a frontage street.
 - a. Vehicular access for dwelling units set back no more than 150 feet from a street.
 - d. The right-of-way of the alley shall be a minimum width of 20 feet.
 - e. Alleys shall be approved by the Public Works Department.
 - f. A turnaround shall be provided unless the alley extends from street to street.

- b. Vehicular access for all lots where the distance from the dwelling unit to the street may be greater than 150 feet:
 - 1. The vehicular access shall serve as a fire lane as well as providing access to dwelling units.
 - 2. A public alley shall be approved by the Public Works Department.
 - 3. A turnaround shall be provided unless the access lane extends from street to street.
2. *Cottage Subdivision.*
- a. All cottage subdivisions shall have access to a street.
 - b. There shall be a grouping of up to twelve dwelling units fronting onto any one common open space in a cottage subdivision (see Figure 5-1).

Figure 5-1: Cottage Subdivision

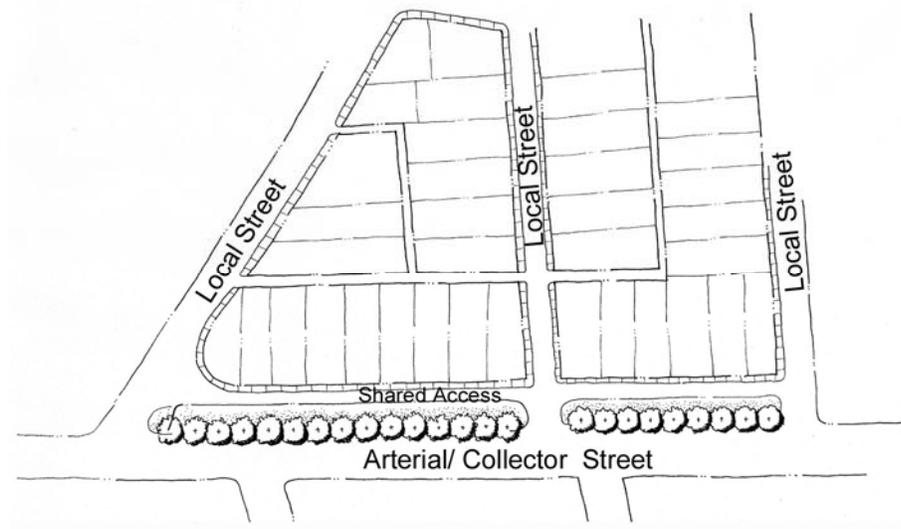


- c. Vehicular access shall be from the side or rear of the lots and meet the requirements of Sections 5-3.1.
- d. Attached housing cottage subdivisions shall meet the requirements of Section 5-3.3.
- e. Where a common open space abuts a public sidewalk, the open space shall include design features that distinguish the common open space from the pedestrian connection.
- f. Common open space shall be held in a tract, and owned in common by the owners of property served by the common open space or by a Homeowners' Association.

3. *Subdivisions for Attached Housing.*
 - a. Attached Housing Subdivisions may be developed in zones that permit multi-family residential uses.
 - b. Purpose of the subdivision for attached housing is to provide opportunities for individual home and lot ownership in the multi-family zoning districts by allowing subdivision of land for attached housing development.
 - c. The lot dimensions shall be as described in Table 17.12.020.B.1 of the Zoning Code.
 - d. Attached housing fronting onto common open space shall meet the requirements of Section 5-3.2.
 - e. The lot width restrictions of Section 3-4.2.f shall not apply to attached single-family housing in Walkable subdivisions.

4. *Residential Lots Fronting on an Arterial or Collector.* The creation of residential lots with double frontage shall be avoided wherever practicable. The preferred approach for subdividing residential property along an arterial or collector is as follows:
 - a. Dwelling units face the arterial or collector wherever practicable.
 - b. Vehicular access via a shared frontage street, driveway easement, or rear alley to minimize curb cuts on arterial as shown in Figure 5-2.

Figure 5-2: Residential Lots Fronting on an Arterial or Collector



- c. Access to the shared frontage street, driveway easement, or rear alley from a local street.
- d. A commonly held separation area between the arterial or collector and the edge of the frontage street or shared driveway easement or, between the arterial or collector and the front of the lots if access is via a rear alley.
- e. The separation area includes design features that distinguish it from the public sidewalk.
- f. The commonly held separation area be held in a tract, and owned in common by the owners of the abutting properties or by a Homeowners' Association.
- g. The commonly held separation area may not be needed for large lot subdivisions providing an edge condition for a Walkable Subdivision.

5. *Non-Residential and Mixed-use Lots Fronting on an Arterial or Collector.* The number of access points on arterial and collector streets from a non-residential or mixed-use development shall be minimized, wherever possible, through the use of driveways common to more than one development, and interior circulation design and connecting parking lots.

5-4 Requirements for Alleys

1. *Requirements for Alleys.* Alleys shall be strongly encouraged, where practicable, to reduce the need for curb cuts, increase amount of on street parking, and reduce conflicts between cars and pedestrians. The following standards shall apply to alleys in Walkable Subdivisions:
 - a. Alleys, wherever practicable, shall connect with streets at their ends and dead-end alleys should be minimized.
 - b. Alleys may contain turns and intersections with other alleys provided that service vehicles can be accommodated.
 - c. For attached housing fronting onto an arterial or collector, rear access shall be provided, wherever practicable.
 - d. If the tract abuts an existing alley, vehicle access shall be from the alley, wherever practicable.
 - e. Alleys shall serve as a utility corridor and, wherever practicable, utilities shall be located to the rear of buildings.
 - f. Where an alley provides the only vehicle access to a building that is more than 150 feet from a street, the alley shall serve as a fire lane.

5-5. Blocks

1. *Block Widths.* Blocks widths in Walkable Subdivisions shall meet the requirements of Section 3-6.1.
2. *Block Lengths.* Block Lengths in Walkable Subdivisions shall meet the following requirements:
 - a. Block lengths shall not exceed 600 feet except when built or natural constraints preclude such spacings.
 - b. Block lengths shall not be less than 200 feet or four lot widths, whichever is greater, except as the Planning Commission deems necessary to secure efficient use of land or desired features of the street pattern.
 - c. Wherever practicable, pedestrian connections shall be provided every 300 feet.
3. *Block Perimeters.* Block perimeter shall not exceed 2,000 feet.
4. *Easements Through Long Blocks.* The Planning Commission shall require the dedication of an easement through long blocks to accommodate pedestrian connections and may require the dedication of an easement through long blocks to accommodate utilities or drainage facilities.

5-6. Minimum Sidewalks Widths

1. *Minimum Sidewalk Width.* The width of the sidewalk in non-residential and mixed-use subdivisions that are primarily non-residential shall be a minimum of 12 feet. This requirement may be waived for infill development on streets predominantly developed with sidewalks less than 12 feet.

5-7. Requirements for Streets and Pedestrian Access

1. *Purpose.* Contextual Street Classifications, as defined in Section 7-2, are designed to ensure complete streets in Walkable Subdivisions. The purpose of such streets standards and the pedestrian access standards for Walkable Subdivisions is to:
 - a. Support the creation of a highly connected transportation system in order to provide choices for drivers, bicyclists, and pedestrians.
 - b. Promote walking, transit and bicycling and safely integrate the pedestrian and auto environment.
 - c. Connect neighborhoods to each other and to local destinations such as schools, parks, and shopping centers.
 - d. Provide a seamless transition from one area to the next.
 - e. Reduce vehicle miles of travel and travel times.
 - f. Reduce emergency response times.
 - g. Increase the effectiveness of municipal service delivery.
 - h. Free up arterial capacity to better serve regional long-distance travel needs.
2. *Street Pattern.* Streets shall be designed in an interconnecting pattern of streets, sidewalks, and alleys.
3. *Street Design Standards.* Within the Contextual Street Classifications, all functional public street cross-sections and roadway improvements shall be approved by the Public Works Department. In determining the most safe and appropriate cross-section, the Public Works Department shall work to ensure that the purpose of the Walkable Subdivision is met and that the key features, as described in Section 5-1.2, pertaining to streets are addressed.
4. *Through Streets and Pedestrian Access.* The following street and pedestrian access standards shall be required in Walkable Subdivisions, wherever practicable:
 - a. Through streets shall generally be provided no more than 600 feet apart and pedestrian access shall generally be provided no more than 300 feet apart. Through street and pedestrian access shall generally be at least 200 feet apart.
 - b. Where the street pattern in the area immediately surrounding the tract meets the spacing of Section 5-7.4.a, the existing street pattern shall be extended into the tract.
 - c. New streets shall align with existing streets on adjoining properties unless topography, requirements of traffic circulation, or other considerations make direct connectivity unfeasible. The applicant shall demonstrate that no practicable alternatives exist to providing the street connections.
 - d. Where streets cannot connect, a pedestrian access shall be provided, where practicable.
 - e. To ensure connectivity but to discourage through traffic, T-intersections and other devices that dissuade through traffic shall be used where appropriate.
5. *Extension of Existing Temporary Dead-end Streets and Pedestrian Access.* Existing temporary dead-end streets and pedestrian accessways adjacent to the tract shall be extended into the tract, wherever practicable.
6. *Future Extension of Proposed Temporary Dead-end Streets and Pedestrian Access.* Where the Walkable Subdivision tract is adjacent to tracts that may be subdivided in the future, temporary dead-end streets, and pedestrian accessways shall be

extended to the boundary lines of the tract to provide future access to the adjacent tracts. Signage as described in Section 3-9.4.e shall be provided.

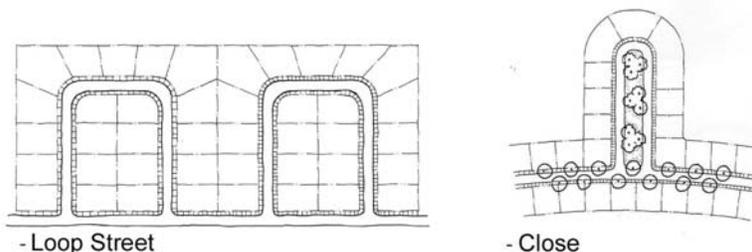
7. *Pedestrian Access Easements.* The following approval criteria and standards apply to pedestrian accessways:
 - a. The width of the pedestrian access easements shall be sufficient to accommodate expected users and provide a safe environment
 - b. Pedestrian accessways shall take the most direct route practicable.
 - c. Wherever possible, pedestrian accesses shall be designed so that the pedestrian can see the ending of the access from the entrance point.
 - d. Pedestrian accessways that connect or are intended to eventually connect two through streets, shall be designated as public access easements on the final subdivision plat.
 - e. Pedestrian accessways that connect or are intended to eventually connect to a public school, park, or library, shall be designated as public access easements on the final subdivision plat.

8. *New Pedestrian Access Easements.* In any zoning district, a new pedestrian access easement to an existing or planned transit stop, a school, a shopping center, a neighborhood park or other likely pedestrian destination shall be provided as a component of the subdivision, if the addition of the accessway would reduce walking or bicycling distance by at least 50 percent over other available pedestrian connections, and the reduced walking or bicycling distance is greater than 400 feet.

9. *Loop Streets.* Loop streets shall be given preference over cul-de-sacs. Standards for loop streets include:
 - a. Connections to other streets at both termini shall be required.
 - b. To facilitate connections to adjacent future development sites, when one terminus of the loop street does not connect to an existing street, the end shall be stubbed.
 - c. Loop streets ending in temporary dead-end streets shall require signage as described in Section 3-9.4.e.1.

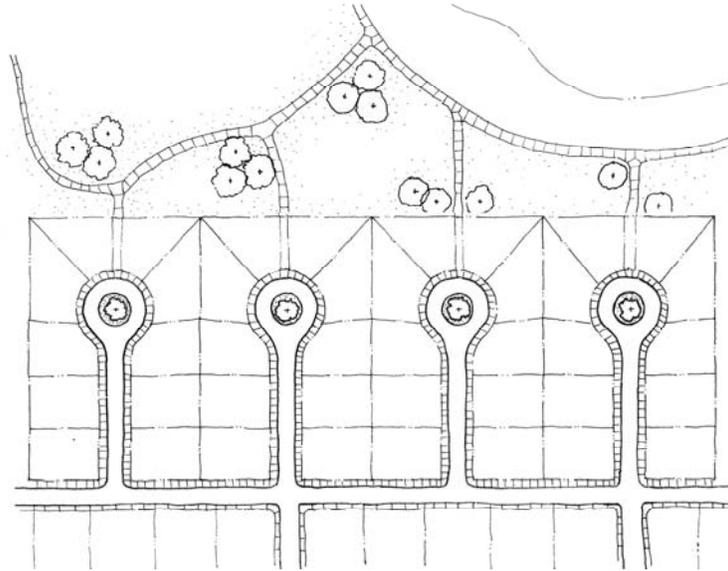
10. *Cul-de-sacs.* Cul-de-sacs are generally prohibited and shall be permitted only where all other street design alternatives, such as loop streets or closes shown in Figure 5-3, are not feasible and one of the following two conditions exists:
 - a. Where natural features such as wetlands or steep slopes exist.
 - b. Where connection to an existing or planned street is blocked by an existing permanent structure, an existing or planned freeway, or a protected open space area.

Figure 5-3: Alternatives to Cul-de-sacs



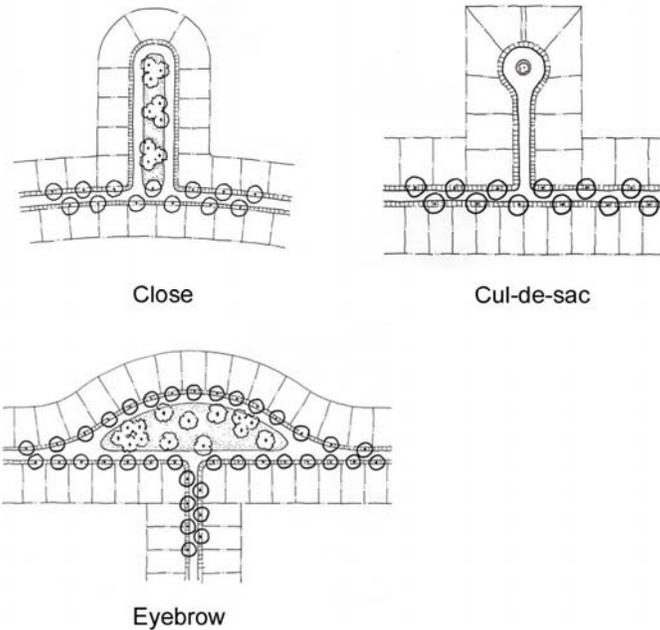
11. *Requirements for Cul-de-sacs.* Cul-de-sacs shall meet the following requirements:
- a. The length of the cul-de-sac shall not exceed 250 feet.
 - b. Cul-de-sacs shall include pedestrian connections to abutting streets wherever practicable as shown in Figure 5-4.

Figure 5-4: Pedestrian Access



12. *Sidewalks Not Required.* Sidewalks shall not be required on the planted side of an eyebrow, close, or cul-de-sac terminus as shown in Figure 5-5.

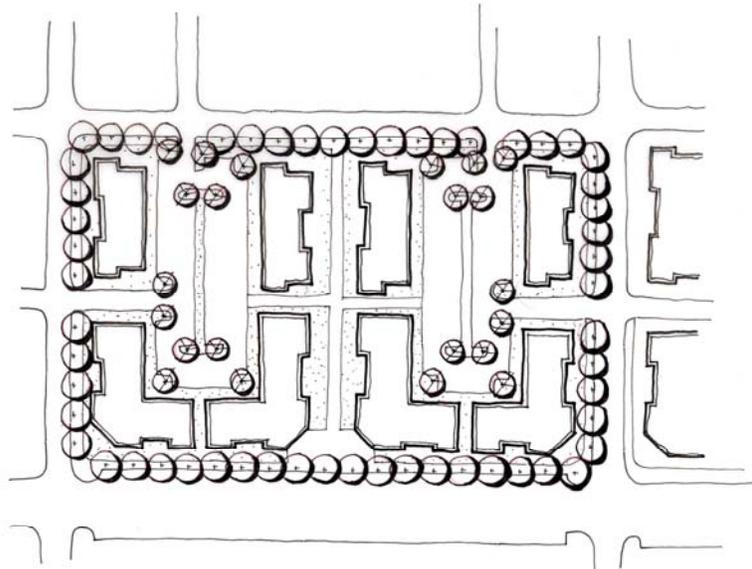
Figure 5-5: Sidewalks not Required



5-8 Additional Requirements for Streets and Pedestrian Access in Non-Residential and Mixed-Use Subdivisions

1. *Pedestrian Access Required.* Where street connections are not practicable, pedestrian accessways are required and shall meet the standards of Section 5-7.7.
2. *Requirements for Internal Vehicular Circulation.* All non-residential and mixed-use developments shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared vehicular access points on arterials and collectors. (See figure 5-6 for an example of internal vehicle circulation.)

Figure 5-6: Internal Vehicle Circulation



3. *Pedestrian Access.* Pedestrian accessways include public sidewalks and walkways within non-residential and mixed-use developments.
 - a. Pedestrian accessways across parking lots shall be clearly marked and separated by curbs or similar devices.
 - b. Pedestrian accessways shall be made to adjacent land uses and provide connections through the development to the public street right of way.
 - c. All development in non-residential and mixed-use zoning districts shall provide a system of pedestrian facilities that encourages safe and convenient pedestrian movement within the site and onto adjacent sites.

5-9 Variances from Access Standards

1. *Variances.* In addition to the requirements of Section 1-11, in order for a variance to be granted for Sections 5-7 and 5-8, the applicant shall demonstrate why these standards cannot be met.
2. *Circumstances for Variances.* Variances may be permitted under either of the following:
 - a. Where an applicant can demonstrate that an alternative connection or connections better meet the purpose of the Walkable Subdivision.

- b. Where no practicable alternatives exist to provide access and/or connections and one of the following conditions exist:
 1. Access and connection standards would violate provisions of leases, easements, covenants, or restrictions in place at the time of adoption of these regulations.
 2. Natural constraints, existing buildings or other development adjacent to lands physically preclude a connection now or in the future, considering the potential for redevelopment.

5-10 Unified Plat of Subdivision

1. *Unified Plat of Subdivision.* Applicants seeking design flexibility in certain areas may use a unified plat of subdivision as set forth in Section 17.40.170.C of the Zoning Code. The plat shall show all properties to be considered as one unified piece of property. All properties to be included in the unified plat of subdivision shall be within the boundary of the unified plat of subdivision as defined in the Zoning Code. A unified plat of subdivision shall be submitted for review and approval, and may be recorded separately from a final plat, or combined with a final plat. The “Purpose” note on the plat shall clearly state the plat is to be considered a unified plat of subdivision, and the words “Unified Plat of Subdivision” shall be clearly shown above the subdivision name.

5-11. Open Space

1. *Open Space Required.* In addition to the requirements of Section 3-10.7, in subdivisions of five acres or greater, applicants are required to include open space in the subdivision as described in Section 5-11.2.
2. *Types of Open Space.* Open spaces appropriate for a Walkable subdivisions include plazas, squares, greens, small parks for passive or active recreational uses and linear open space that incorporates natural elements such as a creek or a significant stand of trees. The planted area of an eyebrow, close or cul-de-sac turnaround may be counted towards the open space requirement.

CHAPTER 6. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

6-1 Improvements and Performance Bond

1. *Performance Bond.* The applicant shall complete and dedicate all public improvements prior to the final subdivision plat approval. The Executive Director may provide that, in lieu of the completion of such work previous to the final approval of a plat:
 - a. the applicant may post a bond in an amount stipulated by the Executive Director as sufficient to secure the satisfactory construction, installation, and dedication of the required improvements. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the Metropolitan Attorney as to form, sufficiency, and manner of execution as set forth in these regulations. And /or
 - b. an assessment or other method may be established whereby the municipality is put in assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. Such assessment or other method shall comply with all statutory requirements and shall be satisfactory to the Metropolitan Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.
2. *Composition of Performance Bond.* For the purpose of these regulations, performance bond shall mean two documents: a Performance Agreement and an accompanying security document.
 - a. *The Performance Agreement.* The Performance Agreement shall stipulate the work to be performed by general categories and the estimated value or cost of each category. The Performance Agreement shall also stipulate a completion date for all of the work to be performed. The Performance Agreement shall only be entered into by owner of the property.
 - b. *The Security Document.* The security document may be in a form as follows and shall express the value in a total amount equaling the sum of all work categories:
 1. *Surety Bond.* Issued by an insurance company licensed in the State of Tennessee and shall be non-expiring.
 2. *Irrevocable Letter of Credit.* Issued by or confirmed by a financial institution located in Davidson County, Tennessee, or an adjoining county. Any such letter of credit shall contain an auto-renewal clause.
 3. *Cashiers or Certified Check.* Issued by a financial institution located in Davidson County, Tennessee and shall be non-expiring.
 - c. The Surety Bond and Letter of Credit options (Sections 6-1.2.b.1 and 6-1.2.b.2) shall not be available to an applicant whose past performance has resulted in breached or expired bonds.
 - d. An entity whose past performance has resulted in non-payment of a bond may be excluded from providing a surety bond for an applicant for a period of one year from the date of breach.
3. *Temporary Improvements.* When applicable, the applicant shall build and pay for all costs of temporary improvements required by the Planning Commission, and shall maintain such for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvement, bond shall be posted which shall insure that the temporary facilities shall be properly constructed, maintained, and removed.

4. *Costs of Improvements.* All required improvements shall be made by the applicant at the applicant's expense or cost sharing. Any provisions for reimbursement by the county, or any utility district shall be by separate agreement with the applicable Metro Department or other governmental entity.
5. *Governmental Agencies.* Governmental agencies to which these bonds and contract provisions apply may file, in lieu of said contract or bond, a letter from an agent authorized to act in their behalf agreeing to comply with the provisions of this chapter.
6. *Failure to Complete Improvements.* In those cases in which a performance bond has been posted and required improvements have not been installed within the terms of such performance bond agreement, the Executive Director may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default. The funds of the bond shall be used to complete the improvements.

6-2 Inspection of Improvements

1. *Inspection of Improvements.* If the Executive Director finds that any of the required improvements have not been constructed in accordance with the applicable Metro Department's construction standards and specifications, the applicant shall be responsible for completing the improvements to the required standards. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company or financial institution shall be liable severally and jointly for completing said improvements according to specifications.

6-3 Release, Reduction, or Extension of Performance Bond

1. *Certificate of Satisfactory Completion.* The Executive Director shall not release nor reduce a performance bond until all applicable Metro Departments or Agencies provide written confirmation that all required improvements have been satisfactorily completed and all associated and/or surplus construction materials are removed from the site. There shall be no reduction or release of a bond if there are any outstanding administrative penalties or violations related to the bonded site.
2. *Reduction of Performance Bond.* A performance bond may be reduced upon demonstration of satisfactory completion of public improvements, that includes installation of the asphalt surface binder course, and then only to the ratio that the installed improvement bears to the total public improvements for the subdivision. In no event shall a performance bond be reduced below ten percent or \$5,000.00, whichever is greater of the original principal amount unless the agency indicates a lower amount is sufficient to complete the infrastructure. No more than three reductions shall be considered by the Executive Director. The initial bond reduction shall be considered only after the asphalt surface binder is applied to the entire subdivision phase as platted.
3. *Extension of Performance Bonds.* The Executive Director, upon proof of extenuating circumstances by the applicant and acknowledged and agreed to by the Executive Director, may extend the completion date set forth in such bond and may require an increase in the bonded amount to cover increases in costs.

4. *Release of Bonds in Conservation Subdivisions.* In addition to requirements of Sections 6-3.1, 6.3.2 and 6.3.3, no bond shall be released for improvements in a Conservation Subdivision until the applicant demonstrates that the impacts associated with the improvements have been mitigated and that all conditions related to the improvements have been satisfactorily fulfilled.
5. *Refer to Planning Commission.* The Executive Director may refer decisions to release, reduce, or extend a bond to the Planning Commission.

6-4 Maintenance of Improvements

1. *Maintenance of Improvements.* The applicant shall be required to maintain all improvements including all lot improvements, until acceptance of such public improvements by the appropriate department.

6-5 Expiration of Bond

1. *Expiration of Bond.* Should the bond lapse or expire for any reason prior to completion of all required improvements no additional building permits shall be issued and the Executive Director shall, through the Metropolitan Department of Law, take any or all appropriate legal action necessary to assure completion of improvements. The bond may be declared in default and the security shall be held by Metro. Only after completion of all improvements or posting of a new bond, shall building permits again be issued.

6-6 Certification of Private Street Completion

1. *Certification of Private Street Completion.* Prior to release of the bond for private streets, the Developer's and Contractor's Certificate for Private Streets (see Appendix A) shall be filed. It shall be accompanied by a certification from a geotechnical engineer that all construction phase items as listed in Section 3-11.3 have been inspected and approved for compliance with the specifications and requirements of the applicable departments and agencies and the approved construction plan and final subdivision plat.

6-7 Disposition of Liquidated Securities

1. *Disposition of Liquidated Securities.* Funds derived from liquidation of securities, as a result of performance agreement default, shall be used by the applicable Metro Department or utility district to complete the required work. Project administration fees may be charged by the departments or utility district against liquidated funds to offset actual personnel or equipment costs utilized in the accomplishment of required work. Any surplus funds shall be returned to the security provider after all charges and expenses are paid and required work is accepted.

