



METROPOLITAN COUNCIL

Metro Council Office

**AMENDED PACKET
PROPOSED AMENDMENTS
AND SUBSTITUTES FOR
ORDINANCES ON FILE WITH
THE
METRO CLERK
FOR THE COUNCIL MEETING OF
TUESDAY, MAY 3, 2016**

SUBSTITUTE ORDINANCE NO. BL2016-153

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from AR2a to SP zoning for property located at 900 Old Lebanon Dirt Road, at the northeast corner of Old Lebanon Dirt Road and North New Hope Road (0.47 acres), all of which is described herein (Proposal No. 2016SP-038-001.)

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from AR2a to SP zoning for property located at 900 Old Lebanon Dirt Road, at the northeast corner of Old Lebanon Dirt Road and North New Hope Road (0.47 acres), being Property Parcel No. 039 as designated on Map 087-00 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 087 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. No mobile home, house trailer, modular building unit, or manufactured home shall be permitted.
2. The property shall otherwise be consistent with all standards of the RS15 zoning district, including regulations pertaining to setbacks under Section 17.12.030.

Section 4. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 5. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 6. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS15 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 7. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

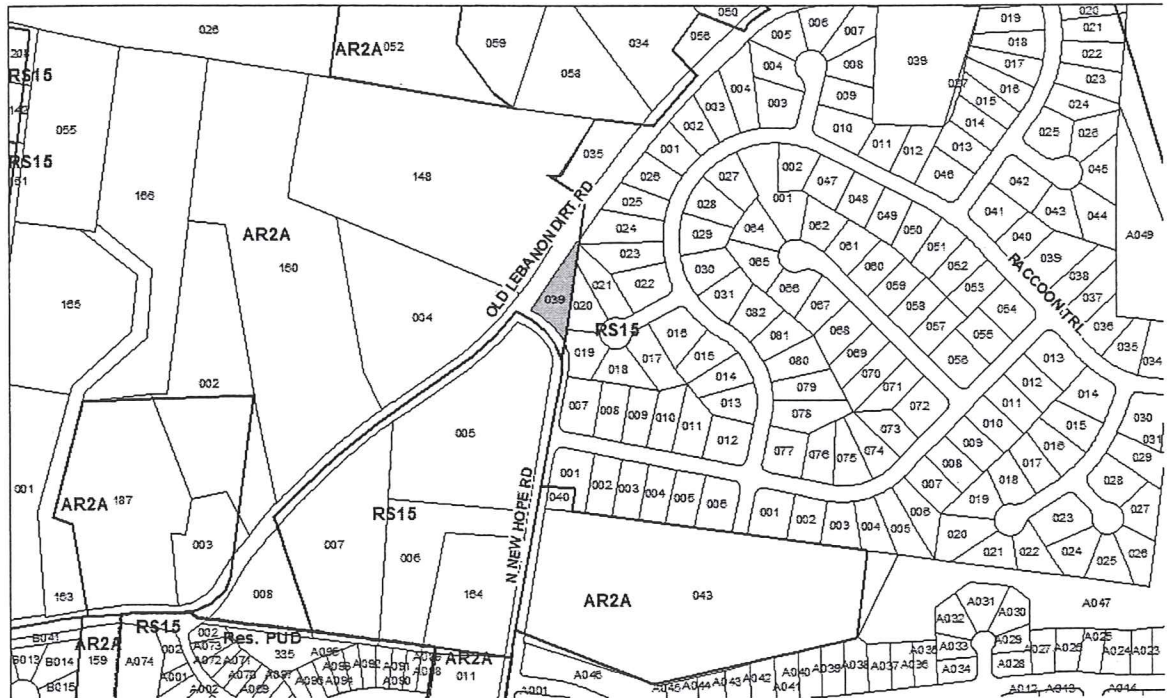
Steve Glover
Member of Council

[View Sketch](#)

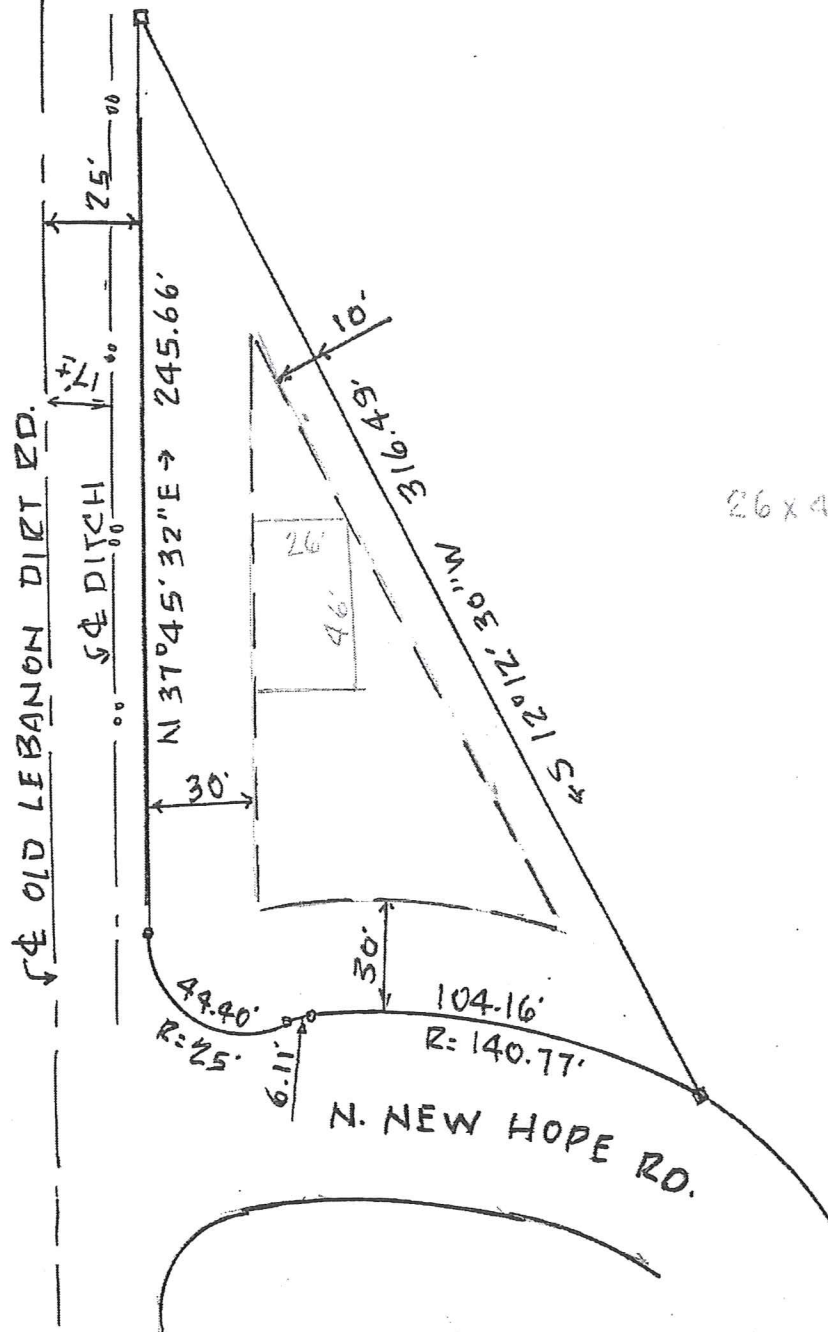
[View Site Plan](#)

2016SP-038-001
Map 087, Parcel(s) 039
Subarea 14, Donelson - Hermitage
District 12 (Glover)

A request to rezone from AR2a to SP zoning for property located at 900 Old Lebanon Dirt Road, at the northeast corner of Old Lebanon Dirt Road and North New Hope Road (0.47 acres), requested by John D. McCormick, applicant; The Colson Family Trust, owner.



45 min soil
wants Septic



26 x 46 = 1196 ± S.F.

SP ZONING

OWNER JOHN D. MCCORMICK TEL. (615) 882-9416 -- NOTES --

SUBDIVISION _____

The driveway lies fully within the bounds of the property.

LOCATION 906 OLD LEBANON DIRT RD.

Lot dimensions as shown on recorded plot.

HERMITAGE (DAVIDSON CO., TN.)

LOT NO. _____ SCALE 1" = 50'

This lot is not included in an area designated as "special flood area", as shown on community map/panel number _____

PLAT RECORD BOOK _____ PAGE _____

DATE _____

effective date _____

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-170

Mr. President –

I move to amend Ordinance No. BL2016-170 as follows:

I. By adding at the end of Section 4 the following new sentence, to be numbered subsection 7:

7. Upon approval and recommendation of the Metropolitan Board of Parks and Recreation, pursuant to Section 11.1002(5)(C) of the Metropolitan Charter, the developers shall donate Thirty Thousand Dollars (\$30,000) to the Metropolitan Board of Parks and Recreation, pursuant to section 13.24.040A of the Metro Code, for purposes of the installation of a sunshade at William Coleman Park, located at 384 Thompson Lane in Nashville, Tennessee.

INTRODUCED BY:

Mike Freeman
Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-205

Mr. President –

I move to amend Ordinance No. BL2016-205 as follows:

I. By amending Section 1 by deleting the reference to “Section 10.18.045” in the first sentence thereof, and substituting therefore the following: “Section 10.18.020”.

INTRODUCED BY:

Dave Rosenberg
Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-206

Mr. President –

I move to amend Ordinance No. BL2016-206 as follows:

I. By amending Section 1 by deleting in its entirety Subsection 2 of Section 13.32.50.C thereof and substituting therefore the following:

2. No private snow plow service permit shall be issued to any person until such person shall first have posted a payment and performance bond satisfactory to the director. The amount of the bond shall be forty thousand dollars, unless otherwise established by the director.

INTRODUCED BY:

Sheri Weiner
Member of Council



METROPOLITAN COUNCIL

Member of Council

May 2, 2016

TO: Vice Mayor David Briley & Members of Metro Council

FROM: Fabian Bedne
Councilmember, District 31

RE: **Suspension of the Rule 11**

I plan to introduce a late ordinance to amend Chapter 10.56 of the Metro Code which prohibits gas, vapor, or odor emissions in exceedance of any primary air quality standard and to prohibit construction for sources causing and contributing to exceedance of primary air quality standards beyond property lines.

This ordinance is being submitted as an emergency late item this evening because, although submitted timely, there was an administrative error at the Metro Council office.

I am, therefore, asking your support as I request a suspension of Rule 11 to allow the ordinance to be introduced this evening. Further, I respectfully request your favorable consideration.

FB/rh

ORDINANCE NO. BL2016-_____

An ordinance amending various sections of Chapter 10.56 of the Metropolitan Code of Laws to prohibit gas, vapor, or odor emissions in exceedance of any primary air quality standard and to prohibit construction permits for sources causing or contributing to exceedance of primary air quality standards beyond property lines.

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 10.56.010 of the Metropolitan Code of Laws shall be and the same is hereby amended, under the definition of "Major source", by deleting subsection 2(aa) and in lieu thereof, adding the following:

- aa. Natural gas compressor stations, or
- bb. All other stationary source categories regulated by a standard promulgated under Section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category,

Section 2. That Chapter 10.56 of the Metropolitan Code of Laws shall be and the same is hereby amended by deleting Section 10.56.020.A in its entirety and substituting in lieu thereof the following new Section 10.56.020.A:

10.56.020 - Construction permits.

A. 1. It is unlawful for any person to install, erect, construct, reconstruct, alter, or add to, or cause to be installed, erected, constructed, reconstructed, altered or added to, any fuel-burning equipment, incinerator, process equipment, control device, natural gas compressor station, or any equipment pertaining thereto, or any stack or chimney connected therewith, or to make or cause to be made any alteration or repairs which increases the amount of any air contaminant emitted by such source or which results in the emission of any air contaminant not previously emitted until application for a construction permit has been filed with the metropolitan health department and plans and specifications applicable to the work have been submitted to the director and a construction permit issued by him for such construction, installations, alterations or repairs. Applications for a construction permit shall be filed in duplicate in the offices of the director on forms adopted by the director and supplied by the metropolitan health department along with a copy of plans and specifications. The director shall not grant a construction permit to any source which will cause or contribute to an exceedance of any primary air

quality standard beyond the property line of the property upon which the permit is sought. The director shall not grant a construction permit to any source which does not comply with the provisions of the New Source Review Regulations as adopted by the board. For purposes of Prevention of Significant Deterioration ("PSD") review, natural gas compressor stations shall be considered stationary sources subject to review if they emit or have the potential to emit 100 tons per year or more of any regulated NSR pollutant. If the director determines, on the basis of information available to him, that such source does, or in all likelihood will, operate in violation of this chapter, or that the source will operate so as to prevent attainment or maintenance of any national ambient air quality standard, he shall either impose conditions on the face of the construction permit that in his opinion will promote compliance with this chapter, and/or attainment and maintenance of any national ambient air quality standard, or he shall deny the application for the construction permit. This section shall not apply to fuel-burning equipment used exclusively for heating less than three dwelling units, or to gas, or fuel oil equipment of five hundred thousand BTU input or less or to internal combustion engines.

2. In addition to any other remedies available on account of the issuance of an order prohibiting construction, installation, or establishment of any fuel-burning equipment, incinerator, process equipment, control devices or natural gas compressor station, and prior to invoking any such remedies, the person aggrieved thereby shall, upon request in accordance with the provisions of this chapter and the rules and regulations adopted by the board be entitled to a hearing. Such hearing shall be conducted pursuant to the contested cases provisions of the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5, Part 3 (T.C.A. § 4-5-301 et seq.).

3. The absence or failure to issue a rule, regulation or order pursuant to this section shall not relieve any person from compliance with any emission control requirements or with any other provision of law.

Section 3. That Chapter 10.56 of the Metropolitan Code of Laws shall be and the same is hereby amended by deleting Section 10.56.020.H in its entirety and substituting in lieu thereof the following new Section 10.56.020.H:

H. No new source shall be granted a construction permit unless the new source complies with the Metropolitan Zoning Code for the use of the property on which the new source is to be constructed. The receipt of a construction permit from the Metropolitan Health Department shall not be construed to indicate approval of the strength or safety of any equipment or to indicate compliance with the requirements of the Building Code of Metropolitan Nashville and Davidson County or any other ordinance thereof. Neither shall it relieve anyone from the responsibility to comply fully with the applicable provisions of this Code, nor any other requirement(s) imposed by statute, rule or regulation of the Metropolitan

Government of Nashville and Davidson County, Tennessee, the State of Tennessee or the United States Government.

Section 4. That Chapter 10.56 of the Metropolitan Code of Laws shall be and the same is hereby amended by deleting Section 10.56.170 in its entirety and substituting in lieu thereof the following new Section 10.56.170:

10.56.170 - Emission of gases, vapors or objectionable odors.

No person shall cause, suffer, allow or permit any emission of gases, vapors or objectionable odors beyond the property line from any source whatsoever which causes injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which causes or has a natural tendency to cause injury or damage to business or property, or which causes or contributes to an exceedance of any primary air quality standard.

Section 5. This Ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Fabian Bedne
Member of Council