

Metropolitan Council

PROPOSED AMENDMENTS TO

ORDINANCES AND

SUBSTITUTES FOR

ORDINANCES TO BE FILED

WITH THE METRO CLERK

FOR THE COUNCIL MEETING OF

THURSDAY, JULY 6, 2017

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2017-742

Mr. President –

I move to amend Ordinance No. BL2017-742 as follows:

I. By deleting the first recitals in its entirety and substituting therefore the following:

WHEREAS, on May 2, 2017, the Council for the Metropolitan Government of Nashville and Davidson County adopted Ordinance No. ~~BL2017-646~~ BL2016-484 making applicable to Metropolitan Government the provisions of Part 7 of Chapter 211 of Title 68 of the Tennessee Code Annotated to require local approval of landfills, solid waste disposal facilities and solid waste processing facilities prior to the construction of such facilities; and

INTRODUCED BY:

Jeff Syracuse
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2017-779

Mr. President –

I move to amend Ordinance No. BL2017-779 as follows:

I. By amending Section 4 by adding the following condition #13:

13. With submittal of the final site plan for District 2 as shown the attached site plan, the applicant shall offer for dedication a site for a safety services use to serve as a Fire Station. No final site plan for this phase shall be approved until the site has been dedicated or until the Metropolitan Government has relieved the applicant of this requirement.

INTRODUCED BY:

Fabian Bedne
Member of Council

SUBSTITUTE ORDINANCE NO. BL2016-408

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 2040 Hickory Hill Lane, approximately 105 feet northwest of Bonna Creek Drive (285.03 acres), to permit up to 500 single-family lots, all of which is described herein (Proposal No. 2016SP-046-001).

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 2040 Hickory Hill Lane, approximately 105 feet northwest of Bonnacreek Drive (285.03 acres), to permit up to 500 single-family lots, being Property Parcel No. 052 as designated on Map 074-00 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 plan and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department 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 074 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 uses of this SP shall be limited to 500 single family lots and one estate lot.

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

~~1. Extend the greenway easement along the Cumberland to Bonnamere Drive, and construct greenway per Metro Greenway standards from Bonnamere Drive to the Stones River Greenway. Provide trail head with at least five parking spaces at Bonnamere Drive.~~

1. Extend and construct greenway to Metro standards from terminus of Hickory Hill Lane to connect to existing greenway along Cumberland River with first phase of development. A greenway conservation easement along the entire Cumberland River frontage shall be depicted on the final site plan and shall include a minimum of 125 acres. The easement shall be dedicated prior with the first recorded plat.

2. EFIS, vinyl siding and untreated wood shall be prohibited. Only brick, stone and cementitious siding shall be permitted materials for facades. No more than 50% of each façade shall be cementitious siding. A minimum 8" raised foundation is required for all residential units. Building facades fronting a street shall provide one principal entrance (doorway) and a minimum of 15% glazing.

3. Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students. This land dedication requirement is proportional to the development's student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the McGavock High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final site plan for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final site plan consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.
4. If ~~graves or other archaeologically significant features~~ are found on the site, the applicant shall notify the Tennessee State Division of Archaeology. The final site plan shall be revised to ensure that these areas are not disturbed without court approval, or ~~graves and/or other archeologically significant features~~ shall be relocated as approved by the Tennessee State Division of Archaeology.
5. Provide an emergency access connection at the planned extension of Mountainbrook Circle unless a permanent secondary emergency access is provided for the Ravenwood PUD at an alternative location.
6. Provide a sidewalk connection with a minimum sidewalk width of five feet at the planned extension of Mountainbrook Circle if emergency access is not provided in the Ravenwood PUD.
7. All sidewalks abutting private streets shall be within a public access easement to be recorded with a final plat.
8. If approved by the Metro Traffic and Parking Commission, four-way stop signs shall be installed at following intersections: the intersections of Hickory Hill Lane and Bonnaside Drive; Plantation Drive and Bonnasbrook Drive; Plantation Drive and Bonnaspring Drive; and development. All traffic and road improvements recommended outside the development property, including but not limited to, Lebanon Pike and Hickory Hill Lane and Lebanon Pike and Bonna Spring Drive shall be completed by the end of the first phase of the development. Hickory Hill Lane and Jacksonian Drive shall be resurfaced from Lebanon Road to the entrance of the development upon completion of construction with proper sloping of the pavement to prevent improper storm water drainage. The developer may work with Metro Public Works to develop a joint resurfacing plan, if approved by Metro Public Works staff.
9. The development is intended for the development of homes for residents above fifty-five (55) years of age. The deed attached as an exhibit transferring the property shall reflect the intention of seller this community is for said purpose.
10. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
11. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
12. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

13. Gated entrances shall be designed and constructed in such a manner as not to allow a backup of vehicles in the public right of way and shall be designed and constructed to allow the safe turnaround of vehicles not able to enter the gated development. The location of gates shall be determined with the final site plan. The gates entering the neighborhood shall be constructed in a manner which does not impede access to the greenway and parking areas designed for the greenway and conservation area.

Section 5. 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 6. 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 7. 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 RS7.5 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. 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:

Kevin Rhoten
Member of Council

[View Sketch](#)

[View Site Plan](#)

<u>RECORDING INFORMATION</u>	STATE OF _____) COUNTY OF _____) The actual consideration for this transfer or value of property transferred (whichever is greater) is \$7,250,000.00. _____ Affiant Sworn to and subscribed before me this ____ day of _____, 2017. _____ Notary Public My Commission Expires: _____
<u>PREPARED BY AND RETURN TO:</u> Webb Sanders PLLC 3037A Highway 31W White House, TN 37188	(SEAL)

SPECIAL WARRANTY DEED

Address New Owner(s):	Send Tax Bills To:	Map/Parcel Number(s):
Binns Farm Land Company 421 East Iris Drive, Suite 300 Nashville, TN 37204	New owner	Map 074, Parcel 052.00

This Indenture is made on the ____ day of _____, 2017, by and between LINDA BINNS DISSPAYNE, an individual (“LBD”) as to a one-third (1/3) undivided interest, TOM DOUGLASS BINNS, TRUSTEE FOR THE TOM DOUGLAS BINNS TRUST DATED JUNE 12, 2014 (“TDB”) as to a one-third (1/3) undivided interest, and MARY KATHLEEN BINNS, an individual (“MKB”) as to a one-third (1/3) undivided interest (LBD, TDB, and MKB are hereinafter referred to herein individually and collectively as “**Grantor**”), and BINNS FARM LAND COMPANY, a Tennessee general partnership (“**Grantee**”).

Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, bargains, sells and conveys to Grantee the following described real estate, situated in the County of Davidson, State of Tennessee (the "Property"):

[Include survey description]

Land in the 4th Civil District of Davidson County, Tennessee, the same known as Clifton on the south bank of Cumberland River lying between the lands of Morgan Hurt and Joe Dodson, and described as follows:

Beginning at a white oak at entrance of land; thence North 193 poles along the line of said Dodson Land to three horn beams; thence North 62° West 57 poles to white oak on a branch; thence with said branch to red oak of Cumberland River; thence in a southwesterly direction with Cumberland River to a corner of Joe Dodson's land, mulberry and sycamore pointers; thence with Dodson's land, North 79½° East 174¼ poles to a stake, 1 pole south of an elm corner; thence North 83° East 81.32 poles to an ash on southeastern corner of original Clifton Tract; thence South 87° East 110 poles to the beginning, containing 293½ acres.

Being the same property conveyed to Linda Binns Disspayne as to one-third (1/3) undivided interest; Tom Douglas Binns, as to one-third (1/3) undivided interest; and Mary Kathleen Binns, as to one-third (1/3) undivided interest by Trustee's Quitclaim Deed of record in Instrument No. 20120502-0037822 and further conveys Tom Douglas Binns interest to Tom Douglas Binns, Trustee for the Tom Douglas Binns Trust dated June 12, 2014, as to one-third (1/3) undivided interest in Quitclaim Deed of record in Instrument No. 20141017-0096096, in the Register's Office of Davidson County, Tennessee.

This is improved property known as 2040 Hickory Hill Lane, Hermitage, Tennessee 37076.

This conveyance is being made subject to the following reservations (the "Reservations"):

1. Grantee, or its successor(s) in title, shall record a plat encumbering the Property entitled _____ (the "Plat") which shall create certain building lots, setback lines, streets and easements to include a conservation easement (the "Easement") outside the boundaries of the platted building lots abutting the Cumberland River and extending to Hickory Hill Lane on the east and Bonnamere Drive on the west and containing 140 acres, more or less. The Easement shall preserve the open space yet provide a blanket easement for the benefit of The Metropolitan Government of Nashville and Davidson County, Tennessee ("Metro") for the purpose of the construction and maintenance of public greenways, trails, trailheads and other elements to support a greenway system or parks. Upon recording of the Plat in the Register's Office for Davidson County, Tennessee (the "RODC"), this reservation shall be deemed to have merged into the Plat.
2. Grantee, or its successor(s) in title, shall record a document entitled _____ (the "CCR") whereby ownership of the building lots shown on the Plat will be restricted to persons fifty-five (55) years of age or older subject to reasonable exceptions and rules necessary to comply with applicable laws. Upon recording the CCR in the RODC, this reservation shall be deemed to have merged into the CCR.

Until merger as provided herein, Metro shall have the authority to enforce the Reservations.

This conveyance is being made subject to the following:

1. Agreement for Dedication of Easement for Water Mains and Appurtenances of record in Instrument No. 20030516-0067076, in the Register's Office for Davidson County, Tennessee.

2. Application for Greenbelt Assessment—Agricultural of record in Instrument No. 20150303-0018625, in the Register’s Office for Davidson County, Tennessee.
3. Davidson County taxes for the year 2017 and thereafter, not yet due and payable.

TO HAVE AND TO HOLD the Property, together with the appurtenances, hereditaments, estate, title and interest thereto belonging, to Grantee.

Grantor covenants and binds themselves and their respective heirs, successors and assigns, subject to the matters set forth above, to warrant and defend to Grantee forever the title to the Property against the lawful claims of all claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument or has caused same to be executed as of the _____ day of _____, 2017.

GRANTOR:

Linda Binns Disspayne

Tom Douglas Binns, Trustee for the Tom Douglas Binns Trust dated June 12, 2014

Mary Kathleen Binns

STATE OF _____)
COUNTY OF _____)

Personally appeared before me, the undersigned, Notary Public for the aforesaid State and County, Linda Binns Disspayne, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person(s) executed the within instrument for the purposes therein contained.

Witness my hand, at office, this __ day of _____, 2017.

Notary Public

My Commission Expires: _____

STATE OF _____)
COUNTY OF _____)

Personally appeared before me, the undersigned, Notary Public for the aforesaid State and County, Tom Douglas Binns, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained, and who further acknowledged the he is the Trustee for the Tom Douglas Binns Trust dated June 12, 2014, and is authorized by the trust to execute this instrument on behalf of the trust.

Witness my hand, at office, this __ day of _____, 2017.

Notary Public

My Commission Expires: _____

STATE OF _____)
COUNTY OF _____)

Personally appeared before me, the undersigned, Notary Public for the aforesaid State and County, Mary Kathleen Binns with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person(s) executed the within instrument for the purposes therein contained.

Witness my hand, at office, this __ day of _____, 2017.

Notary Public

My Commission Expires: _____



Existing Conditions

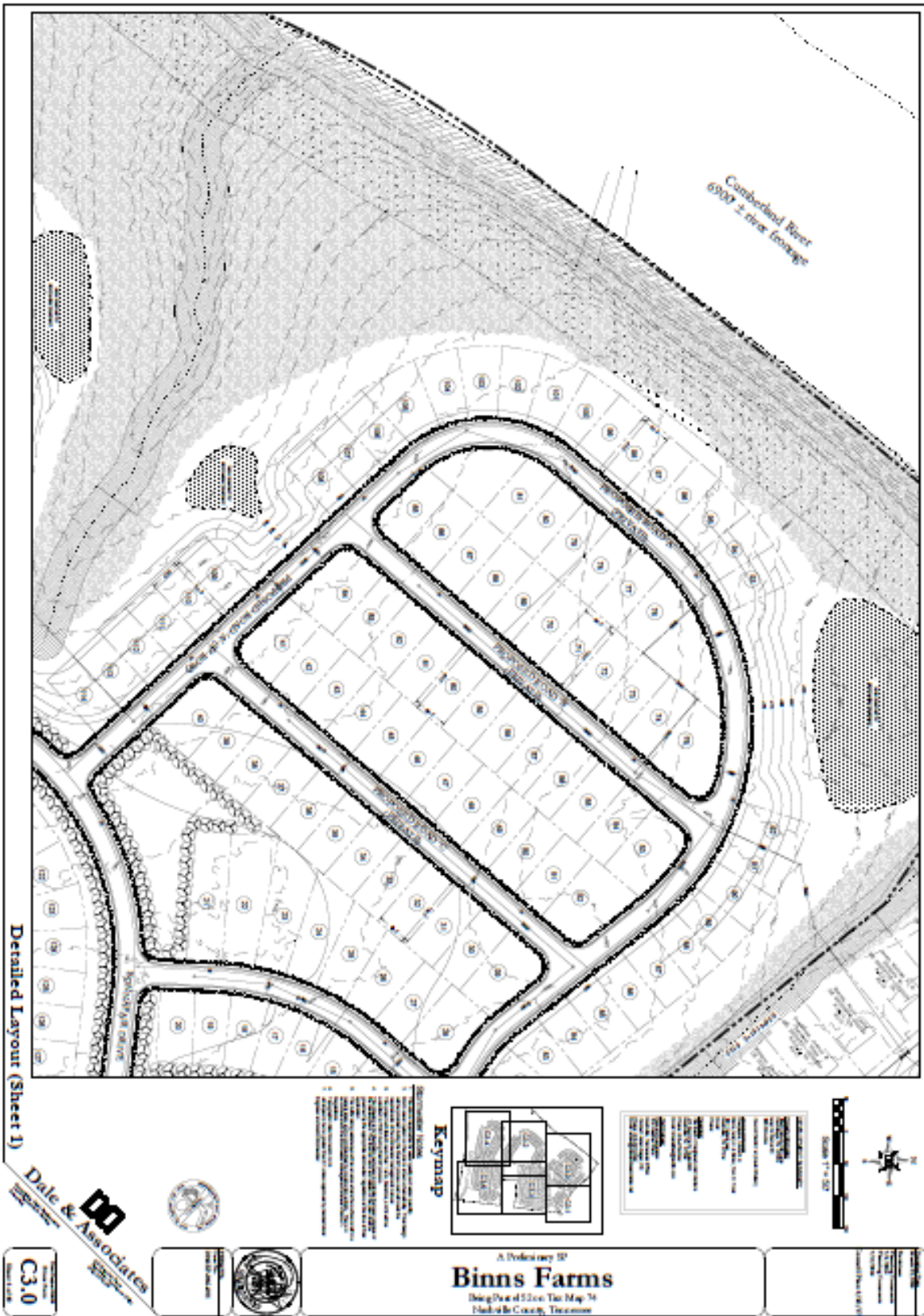
Dale & Associates
 ENGINEERS
 ARCHITECTS
 PLANNERS
 1100 N. W. 11th St.
 Ft. Lauderdale, FL 33304
 Phone: (954) 561-1100
 Fax: (954) 561-1101
 Website: www.daleandassociates.com

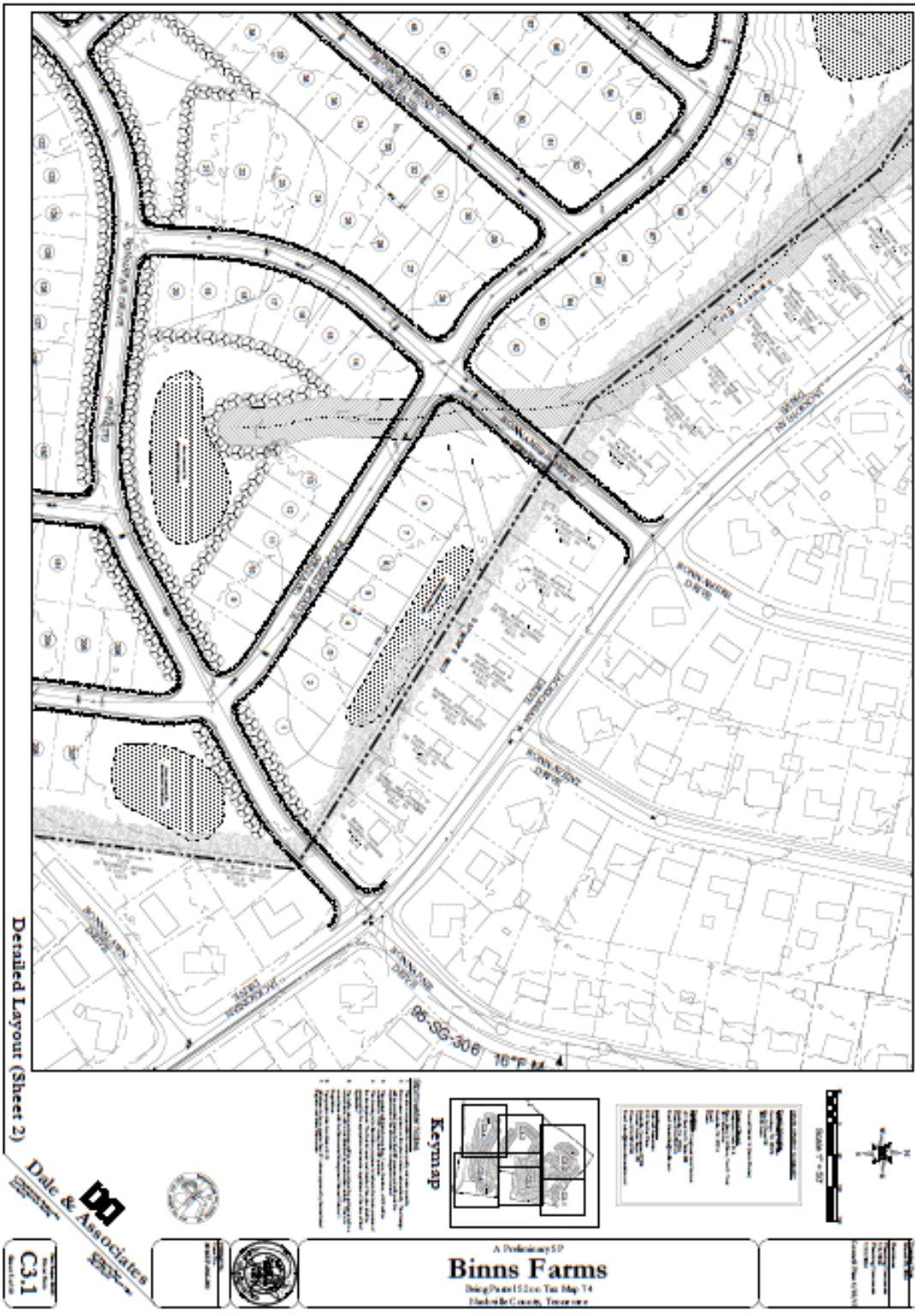
C1.0

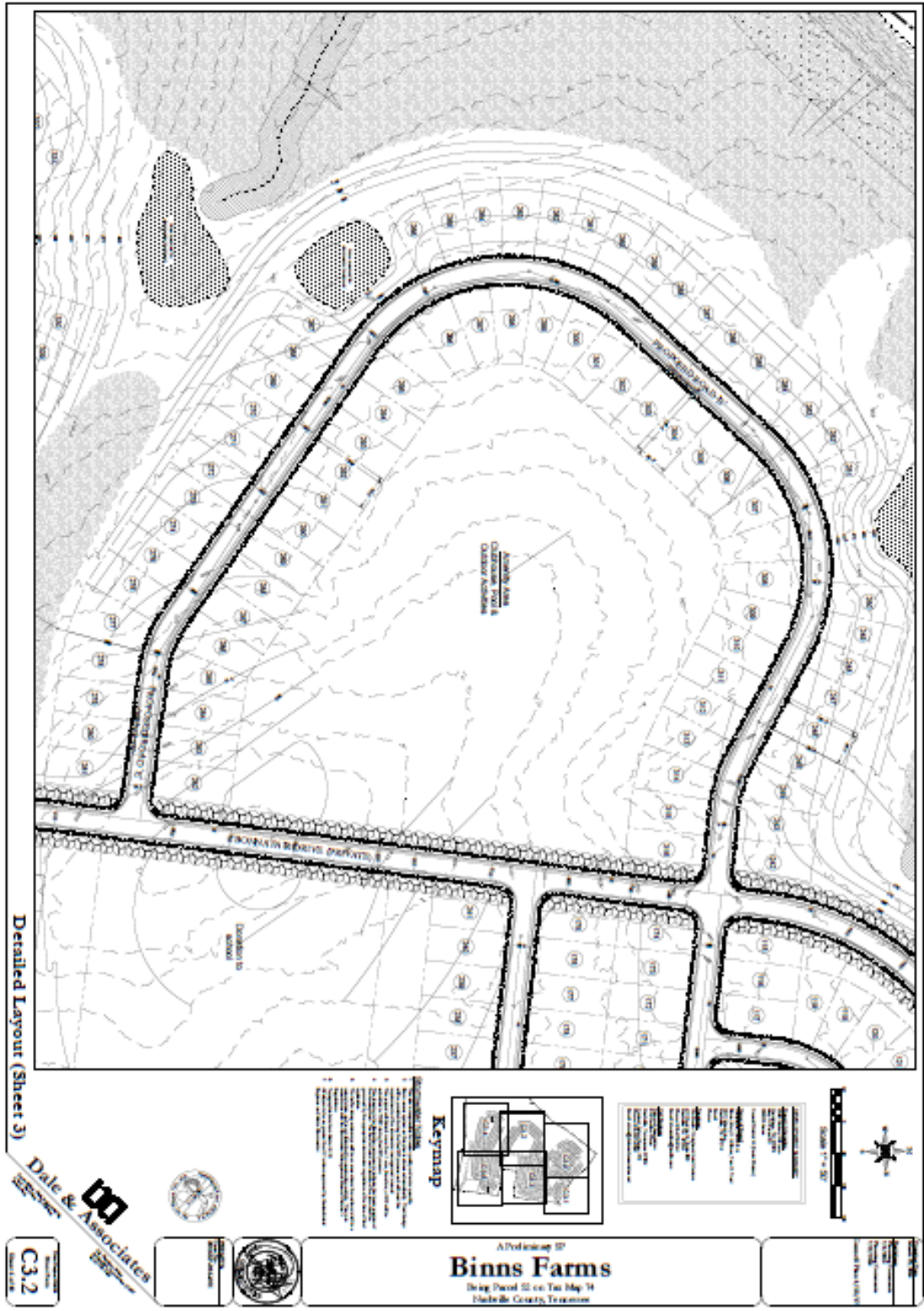


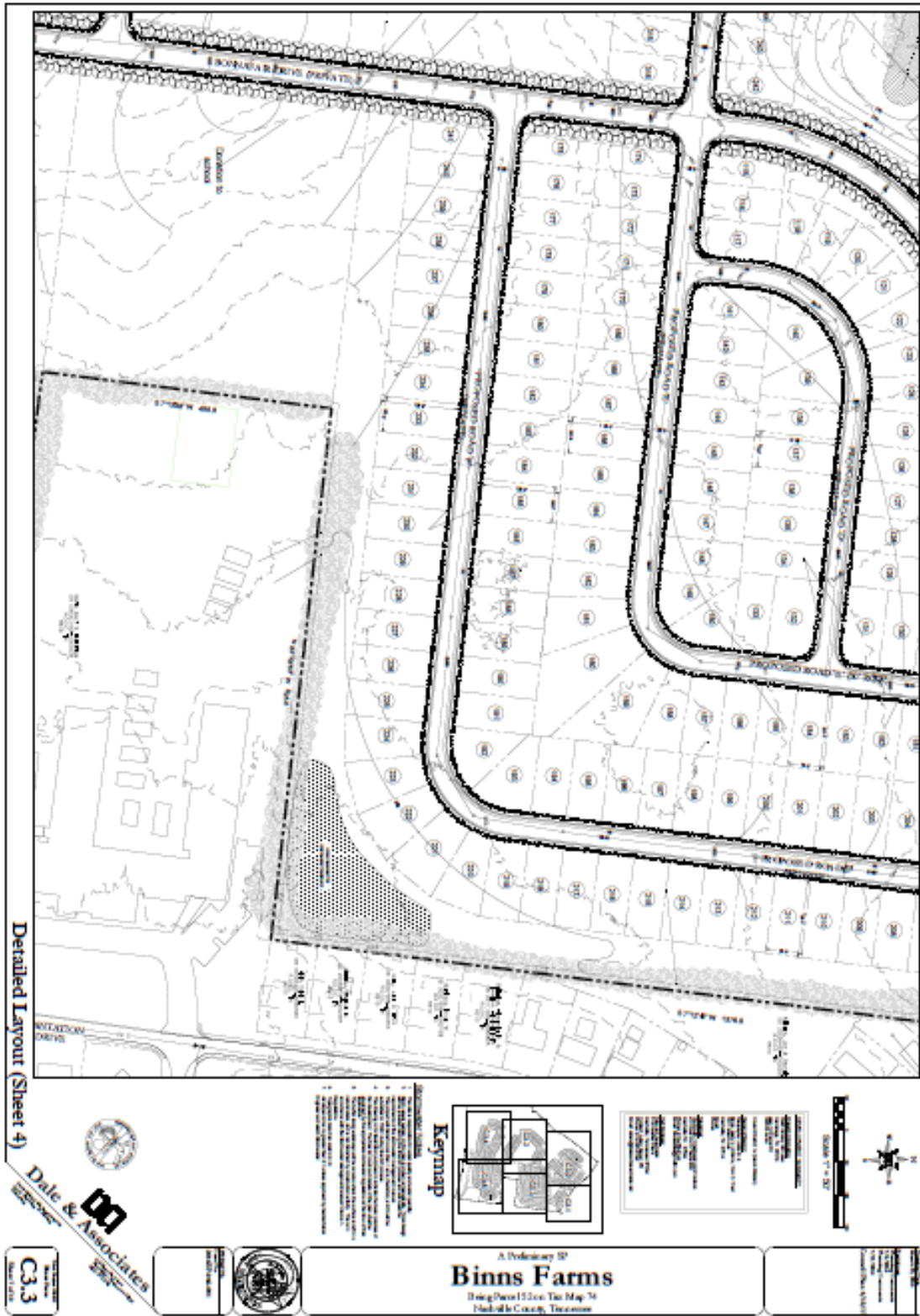
A Delaney SP
Binns Farms
 Subproject 02 on Tract Map 74
 Dade County, Florida

DATE	DESCRIPTION











SUBSTITUTE ORDINANCE NO. BL2017-611

An ordinance amending Section 17.16.250 of the Metropolitan Code of Laws to require ~~the consent of~~ notification of objection or opposition by adjacent property owners, Home Owner Associations, Condominium Associations, or other such community associations prior to issuance of a Short Term Rental Property permit (Proposal No. 2017Z-007TX-001).

WHEREAS, short term rental property (STRP) units pose potential disruption to the quality of life for neighborhoods and other residential areas; and

WHEREAS, to reduce the potential for such disruption, STRP permit applicants should obtain the consent of adjacent property owners as well as any Home Owners Association, Condominium Association, or other such community association that governs the proposed STRP property.

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

Section I. That section 17.16.250 of the Metropolitan Code of Laws is hereby amended by deleting subsection 17.16.250.E.2.iii in its entirety and substituting the following in lieu thereof:

iii. Proof of the consent to the issuance of a STRP permit by each owner of each adjacent property prior to filing the application. Such proof of consent shall consist of a statement signed and dated by each adjacent property owner(s) verifying that the STRP permit may be issued with his/her consent.

Section 2. That section 17.16.250 of the Metropolitan Code of Laws is hereby further amended by deleting subsection 17.16.250.E.2.v in its entirety and substituting the following in lieu thereof:

v. A statement that the applicant has (a) notified in writing any Home Owners Association, Condominium Association, or other such community association which governs the proposed STRP property as to the pending STRP permit application; (b) advised the department of codes administration of any objection or opposition to the application by any such association of which the applicant is aware; and (c) confirmed that operating the proposed STRP would not violate any Home Owners Association agreement or bylaws, Home Owners Association Agreement, Covenants, Codes and Restrictions or any other agreement governing and limiting the use of the proposed STRP property.

Section 3. This Ordinance shall 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:

Fabian Bedne
Member of Council