



Metropolitan Council

**PROPOSED AMENDMENTS TO
RESOLUTIONS, SUBSTITUTE
RESOLUTIONS, LATE-FILED
RESOLUTIONS, AMENDMENTS
TO ORDINANCES, AND
SUBSTITUTE ORDINANCES TO BE
FILED WITH THE METRO CLERK
FOR THE COUNCIL MEETING OF
TUESDAY, JULY 2, 2019**

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2018-1416, AS SUBSTITUTED

Mr. President –

I move to amend Ordinance No. BL2018-1416, as substituted, as follows:

I. By amending Section 2 by (a) adding to Section 17.04.060 the term “columnar” and the definition as indicated below, to be arranged alphabetically; and (b) by deleting from Section 17.04.060 the proposed definition of “retained tree” therein in its entirety and substituting therefore the definition indicated below:

Columnar tree. A fastigate tree that narrows toward the top, having an upright narrow form, typically with branches that point upward, often nearly parallel to the main stem or trunk, thereby resembling a single column.

Tree, retained. “Retained tree” means a tree that is selected to be saved or preserved for purposes of being counted toward the required tree density for the property. To qualify as a retained tree, the tree shall not be listed on the most recent edition of the Tennessee Invasive Exotic Plant List and shall be in fair or better condition, with no major insect or pathological problems.

II. By amending Section 6 by deleting proposed Section 17.24.090.A and substituting in lieu thereof the following:

A. It is the intent of this article to minimize the removal of trees and to ensure that property owners and developers take reasonable measures to design and locate the proposed improvements so that the number of trees to be removed is minimized. In particular, the design shall attempt to preserve protected, heritage, and specimen and historic trees, which meet the criteria set forth in section 17.40.450, Designation of Tree Types. For purposes of this chapter, the term 'retained tree' means a tree that is selected to be saved or preserved for purposes of being counted toward the required tree density for the property and which is not listed on the most recent edition of the Tennessee Invasive Exotic Plant List and which is in fair or better condition, with no major insect or pathological problems.

III. By amending Section 6 by deleting Section 17.24.090.B in its entirety and substituting therefore the following:

B. Any tree with a diameter at breast height (DBH) of twenty-four inches (24”) or more, or that qualifies as a heritage tree under Section 17.40.450.B of this title, shall be surveyed located and depicted on the final site plan.

IV. By amending Section 7 by re-numbering Subsection 17.24.100.B.4 as 17.24.100.B.5, and by numbering the last sentence of Subsection 17.24.100.B.3 as subsection 17.24.100.B.4.

V. By further amending Section 7 by deleting from Section 17.24.100.B the Table labeled "Replacement Tree Schedule" in its entirety and substituting therefore the following:

Replacement Tree Schedules:

UNITS represents basal area.
 CAL refers to caliper size (a tree's diameter measured six inches from the top of the root ball).

Canopy Trees

CAL	UNITS	CAL	UNITS	CAL	UNITS	CAL	UNITS
2	0.5	5	0.9	8	1.3	11	1.9
3	0.6	6	1.0	9	1.5	12	2.1
4	0.7	7	1.2	10	1.7	14	2.3

Understory and Columnar Trees

CAL	UNITS	CAL	UNITS	CAL	UNITS	CAL	UNITS
2	0.25	5	0.5	8	0.7	11	1.0
3	0.3	6	0.5	9	0.8	12	1.1
4	0.4	7	0.6	10	0.9	14	1.2

VI. By amending Section 7 by deleting Section 17.24.100.D in its entirety and substituting therefore the following:

D. Single-trunk replacement trees shall be (i) a minimum width of two-inch calipers; and (ii) a minimum height of six feet; in overall height and (iii) shall consist of recommended species listed in the Urban Forestry Recommended and Prohibited Tree and Shrub List.

VII. By amending Section 15 by deleting Section 17.40.470.A.2 in its entirety and substituting therefore the following:

2. Each application for a tree removal permit shall be accompanied by a tree survey based upon current information. The survey shall show the location, size and type of retained, protected and heritage trees upon the site, including common or scientific names. The survey shall indicate which retained, protected and heritage trees are intended for removal and/or grubbing and which will be left undisturbed. ~~An application for new construction does not require a tree survey when a final site plan shows that the required tree density will be met by showing the location, size and type of replacement or retained trees upon~~

~~the site which are to be installed or maintained as required to meet the tree density requirement.~~ A final site plan prepared to the same scale shall be submitted which illustrates the following:

- a. The locations of existing and proposed buildings, layout of roads, utilities, parking areas for vehicles, storage areas for construction materials, and other items that disturb or compact the soil in tree root zones.
- b. Existing and proposed grades and subsequent erosion control measures to prevent siltation over the roots of protected and heritage trees and appropriate tree protection fencing for those trees.

VIII. By amending the Ordinance, as substituted, in its entirety by deleting the following typographical errors and substituting in lieu thereof the corrections as indicated:

Delete all references to "Forestry Recommended and Prohibited Tree and Shrub List" and substitute in lieu thereof "Urban Forestry Recommended and Prohibited Tree and Shrub List";

Delete all references to "Inpidual" and substitute in lieu thereof "individual";

Delete all references to "heigh" and substitute in lieu thereof "height";

Delete all references to "Schedul" and substitute in lieu thereof "Schedule";

Delete all references to "per inc" and substitute in lieu thereof "per inch";

Delete all references to "sudpision" and substitute in lieu thereof "subdivision";

Delete all references to "DPH" and substitute in lieu thereof "DBH";

Delete all references to "MAGnolia" and substitute in lieu thereof "Magnolia";

Delete all references to "urban forester" and substitute in lieu thereof "Urban Forester".

INTRODUCED BY:

Angie Henderson
Member of Council

AMENDMENT NO. __
TO
ORDINANCE NO. BL2018-1416, AS SUBSTITUTED

Mr. President –

I move to amend Ordinance No. BL2018-1416, as substituted, as follows:

I. By amending Section 7 by deleting Section 17.24.100.B.3 in its entirety and substituting therefore the following:

3. Compliance with this subsection B. shall be calculated using gross acreage of the property, but shall not include the following:
 - a. The portion of the land area currently or proposed to be covered by buildings, within the following limits:
 - i. For property within the DTC zoning district: 100% of such land area;
 - ii. For property outside the DTC zoning district: 75% of such land area;
 - b. The fenced area of any athletic field;
 - c. The area of a lake or pond which is covered by water year round; and
 - d. Open areas of golf facilities.

Retained and replacement trees shall contribute toward the tree density. Outside the DTC zoning district, trees incorporated into green roofs, as defined under section 15.44.050.E of this Code, shall contribute toward tree density.

INTRODUCED BY:

Jeff Syracuse
Member of Council

SUBSTITUTE ORDINANCE NO. BL2019-1633

An ordinance amending Chapters 17.08 and 17.16 of the Metropolitan Code of Laws regarding "Short term rental property – Owner-Occupied" and "Short term rental property – Not Owner-Occupied" (Proposal No. 2019Z-011TX-001).

WHEREAS, short-term rental of homes can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy; and

WHEREAS, short-term rental of homes can provide homeowners an opportunity to hold property in difficult economic circumstances or as an investment; and

WHEREAS, hotel taxes from short term rental of homes can be used to promote travel and tourism, to support the local tourism industry, and to support the Barnes Fund for Affordable Housing; and

WHEREAS, the needs of long-term residents should be balanced with the allowance of short-term rentals.

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

Section 1. That section 17.08.030 (District land use tables) of the Metropolitan Code of Laws is hereby amended by providing, under Commercial Uses, "Short term rental property (STRP) – Not Owner-Occupied" as a use permitted with conditions (PC) in MUN and MUN-A, MUL and MUL-A, MUG and MUG-A, MUI and MUI-A, OG, OR20 through OR40-A, ORI and ORI-A, CN and CN-A, CL and CL-A, CS and CS-A, CA, CF, DTC North, DTC South, DTC-West, DTC Central, SCN, SCC and SCR.

Section 52. That Section 17.16.070 of the Metropolitan Code is hereby amended by deleting Subsection U.2.b.iv in its entirety and substituting therefore the following:

- iv. A statement that the applicant has confirmed that operating the proposed STRP would not violate any home owners association agreement or bylaws, condominium agreement, co-op agreement, lease agreement, covenants, easements, codes and restrictions or any other agreement governing and limiting the use of the proposed STRP property.
- v. Proof of payment of all taxes due, including property taxes and, for permit renewals, all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.

Section 3. That Section 17.16.070 of the Metropolitan Code is hereby amended by adding Subsection U.2.c. as follows:

- c. RM-zoned properties will be eligible to apply for and receive STRP permits even after the effective date of this legislation if they meet all other requirements in Section U and they meet each of the milestones below:
 - i. File an affidavit of intent to apply for an STRP permit and apply for a building permit in conjunction with the intended STRP use by January 1, 2020;
 - ii. Obtain and pay for such building permit by July 1, 2020;
 - iii. Obtain and pay for the Use and Occupancy permit/letter by January 1, 2022;
 - iv. Apply for the STRP permits in conjunction with that building permit within 30 calendar days of the issuance date of the Use and Occupancy permit/letter; and
 - v. Obtain and pay for the STRP permits applied for in conjunction with that associated building permit.

Section 4. That section 17.16.070.U.4.i.iv of the Metropolitan Code be deleted and replaced with the following:

“iv. For an STRP with documented complaints to Metro Codes, police, or public works during the most recent permit period, no grace period shall be allowed and all permit renewal applications shall be submitted timely. The renewal application shall be submitted with a statement verified by affidavit that includes all of the information required in an application under Section 17.16.250.E.2.”

Section 65. That Section 17.16.070 of the Metropolitan Code is hereby further amended by deleting Subsection U.4.I.i and U.4.I.ii in their entirety and substituting therefore the following:

I. Denial or Revocation of Permit.

i. Upon the filing of a complaint regarding a STRP permit, the department of codes administration shall notify the permit holder in writing or by e-mail of such complaint. All complainants shall be notified that any false complaint made against a short-term rental unit provider are punishable as perjury under Tenn. Code Ann. §39-16-702.

ii. If the zoning administrator determines, based on reasonably reliable information that the zoning administrator has obtained including without limitation public records or reports, records of regularly conducted activity, or a direct or online statement against a person's own interest, that three (3) violations of generally applicable provisions of the Metropolitan Code of Laws have occurred as a direct result of the operation of the short-term rental unit, the permit to operate a STRP may be revoked if no appeal rights remain.

Section 6. That Section 17.16.070 of the Metropolitan Code is hereby further amended by deleting Subsection U.4.I.vi(2) in its entirety and substituting therefore the following:

(2) Upon a finding by the board of zoning appeals that a short term rental property has operated without a permit, there shall be a waiting period of up to one year from the date of such finding for the property to become eligible for a STRP permit, as determined by the BZA. The length of the waiting period shall be based upon whether the operator was aware or unaware of the requirement that the STRP have a permit. Evidence to be evaluated in making this decision may include but is not limited to:

- (a) the testimony of the STRP operator;
- (b) the testimony of neighbors or others with knowledge of the STRP operation;
- (c) evidence that the operator was informed of the requirement and disregarded this information;
- (d) evidence that the operator had looked into requirements and misunderstood them;
- (e) prior or repeat offenses by the operator under this section; and
- (f) whether the operator, upon being informed of the requirement, obtained or attempted to obtain a permit before renting the STRP again.

Section 27. That Section 17.16.250 of the Metropolitan Code is hereby amended by deleting subsection E.2.b.v in its entirety and substituting in lieu thereof the following:

v. A statement that the applicant has confirmed that operating the proposed STRP would not violate any home owners association agreement or bylaws, condominium agreement, co-op agreement, lease agreement, covenants, easements, codes and restrictions or any other agreement governing and limiting the use of the proposed STRP property.

Section 8. That Section 17.16.250 of the Metropolitan Code is hereby further amended by deleting subsections E.4.i.ii in its entirety and substituting in lieu thereof the following:

ii. For STRP units that have received no documented complaints to metro codes, police, or public works during the most recent permit period, a renewal application may be submitted by mail, online, or in person according to regulations promulgated by the metro codes department. All such renewal applications shall include:

(1) The payment of a renewal fee set by the zoning administrator; and

(2) A statement verified by affidavit that:

(a) Includes all of the information required in an application under Section 17.16.250.E.2; and

(b) The STRP continues to be in full compliance with all applicable laws, including the payment of all applicable taxes.

Section 39. That Section 17.16.250 of the Metropolitan Code is hereby further amended by deleting subsections E.4.l.i and E.4.l.ii in their entirety and substituting in lieu thereof the following:

I. Denial or Revocation of Permit.

i. Upon the filing of a complaint regarding a STRP permit, the department of codes administration shall notify the permit holder in writing or by e-mail of such complaint. All complainants shall be notified that any false complaint made against a short-term rental unit provider are punishable as perjury under Tenn. Code Ann. §39-16-702.

ii. If the zoning administrator determines, based on reasonably reliable information that the zoning administrator has obtained including without limitation public records or reports, records of regularly conducted activity, or a direct or online statement against a person's own interest, that three (3) violations of generally applicable provisions of the Metropolitan Code of Laws have occurred as a direct result of the operation of the short-term rental unit, the permit to operate a STRP may be revoked if no appeal rights remain.

Section 10. That Section 17.16.250 of the Metropolitan Code is hereby further amended by deleting subsections E.4.l.vi.(2) in its entirety and substituting in lieu thereof the following:

(2) Upon a finding by the board of zoning appeals that a short term rental property has operated without a permit, there shall be a waiting period of up to one year from the date of such finding for the property to become eligible for a STRP permit, as determined by the BZA. The length of the waiting period shall be based upon whether the operator was aware or unaware of the requirement that the STRP have a permit. Evidence to be evaluated in making this decision may include but is not limited to:

(a) The testimony of the STRP operator;

(b) The testimony of neighbors or others with knowledge of the STRP operation;

(c) Evidence that the operator was informed of the requirement and disregarded this information;

(d) Evidence that the operator had looked into requirements and misunderstood them;

(e) Prior or repeat offenses by the operator under this section; and

(f) Whether the operator, upon being informed of the requirement, obtained or attempted to obtain a permit before renting the STRP again.

Section 811. Notwithstanding the foregoing, the Accessory Use restrictions and Commercial Use restrictions under Section 17.08.030 of the Metropolitan Code (District land use tables), as amended herein, shall not apply to property used as a short-term rental property by the owner of the property prior to the enactment

of Ordinance no. BL2017-608 or BL2019-1633, depending upon the zoning district. Such exemption shall apply until such property is sold, transferred, ceases being used as a short-term rental unit for a period of thirty (30) continuous months, or has been in violation of generally applicable provisions of the Metropolitan Code of Laws three (3) or more separate times with no remaining right of appeal.

Section 12. That section 17.16.250.E.4.i.ii(1) of the Metropolitan Code be deleted and replaced with the following:

(1) The payment of a renewal fee set by the zoning administrator; and

Section 13. That section 17.16.250.E.4.i.iv of the Metropolitan Code be deleted and replaced with the following:

“iv. For an STRP with documented complaints to metro codes, police, or public works during the most recent permit period, no grace period shall be allowed and all permit renewal applications shall be submitted timely. The renewal application shall be submitted with a statement verified by affidavit that includes all of the information required in an application under Section 17.16.250.E.2.”

Section 14. That Section 17.16.070 of the Metropolitan Code is hereby further amended by deleting Subsection U.4.k in its entirety and substituting the following:

k. A STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property. Provided however that upon the purchase or acquisition of property zoned RM for which a STRP permit was previously issued on or before May 31, 2020, the new owner may apply for and be issued a STRP permit only if the previously issued permit was in good standing at the time of purchase or acquisition.

Section 15. That Section 17.16.070 of the Metropolitan Code is hereby further amended by deleting Subsection U.4.l.v in its entirety and substituting therefore the following:

v. Once a STRP permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year from the date of the revocation. For STRP permits in RM districts, once a permit is revoked, it shall not be eligible for reapplication by the current or any subsequent owner.

Section 916. The Metropolitan Clerk is directed to send a copy of this Ordinance to the Zoning Administrator for the Metropolitan Department of Codes Administration.

Section 1017. The provisions of Sections 1 through 6 of this Ordinance shall take become effective October 1, 2019 May 31, 2020, and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Section 18. This Ordinance shall take effect from and after its final passage, and such change shall be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Burkley Allen
Member of Council

SUBSTITUTE ORDINANCE NO. BL2019-1659

An ordinance amending Sections 17.20.120 and 17.20.125 of Title 17 of the Metropolitan Code pertaining to the provision of sidewalks (Proposal No. 2019Z-013TX-001).

WHEREAS, sidewalks are critical infrastructure, providing a wider variety of safe transportation options in a rapidly growing Nashville; and

WHEREAS, the city's General Plan (2015): NashvilleNext, guides growth and development in our city generally within identified centers and along identified corridors; and

WHEREAS, the city's Strategic Transit Plan (2016): nMotion, builds upon NashvilleNext to connect centers and corridors with a planned mass transit system; and

WHEREAS, the city's Strategic Plan for Sidewalks and Bikeways (2017): WalknBike, builds upon NashvilleNext and nMotion to connect walking and bicycling infrastructure to centers, corridors, and mass transit; and

WHEREAS, the Metropolitan Council enacted amendments to Title 17, the Zoning Code, by the adoption of Ordinance No. BL2016-493 whereby the locational criteria and types of development requiring new sidewalk construction were updated; and

WHEREAS, Mayor David Briley reaffirmed the Complete Streets Executive Order on June 5, 2018, outlining how the city's policy for all public projects, departments, boards and commissions of the Metropolitan Government shall approach every transportation improvement project with the purpose to create greener, safer, and more accessible streets for all users; and

WHEREAS, sidewalks benefit homeowners and neighborhoods by providing a safe and designated path for connecting to schools, parks, libraries, businesses, and transit, and thus homes connected to nearby attractions increase in value; and

WHEREAS, Nashville's population and built environment has grown and continues to grow rapidly. The Metropolitan Planning Organization forecasts that the ten County Cumberland Region in and around Nashville will increase by another million people by the year 2035; and

WHEREAS, according to the 2014 Dangerous by Design Report by Smart Growth America, Nashville ranked as the 15th most dangerous region in the US for people walking, and 23 pedestrians were killed on Nashville's streets in 2018, and as of 2019, the Nashville region had a pedestrian death index of 99.2, well above the national average of 55.3; and

WHEREAS, the WalknBike Strategic Plan documented that there are 1,900 miles of sidewalks lacking in areas of greatest need in Nashville and Davidson County and of the 1,118 miles of existing sidewalks, which represent just 18% of the sidewalk needs, many sidewalks do not meet current safety and design standards established in the Major & Collector Street Plan of the General Plan; and

WHEREAS, the Metropolitan Council has significantly increased and maintained consistent, annual funding of \$30 million for the construction of sidewalks by the Department of Public Works, and at that annual funding level, the WalknBike Strategic Plan (2014) analysis indicated that it would take 20 years to complete 71miles of sidewalks identified as capital funding priorities; and

WHEREAS, the Metropolitan Council finds it necessary and in the public interest to establish reasonable criteria for the most timely and cost-effective provision of sidewalks within the public right-of-way in the

areas of greatest need and where the impact of Nashville’s growth is greatest, aligned with the General Plan and related strategic plans in Nashville and Davidson County; and

WHEREAS, staff of the Metropolitan Government have closely tracked the implementation and success of Ordinance BL2016-493 in its first year and a half and have proposed to provide an additional departmental process, similar to that currently undertaken for the staff reports issued for all sidewalk requirement variance requests before the Board of Zoning Appeals, whereby the Zoning Administrator, in direct consultation with engineering experts in the departments of Metro Public Works and Metro Water’s Storm Water Division, can create a publicly transparent, documented, noticed, and appealable process for the consideration of hardship waivers, in whole or in part, to the various provisions of Title 17.20.120 of the Code.

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

Section 1. That Section 17.20.120 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing with the following:

17.20.120 – Provision of sidewalks.

Purposes. Nashville’s population and built environment has grown and continues to grow rapidly. Sidewalks are required to facilitate safe and convenient pedestrian movements for residents, employees and/or patrons, and to reduce dependency on the automobile, thus reducing traffic congestion on the community’s streets and protecting air quality. The designation of an accessible and safe path for walking increases homeowner and community health and social connections.

Sidewalk networks minimize conflicts between vehicular and pedestrian movement along corridors and within and around centers identified in the General Plan (2015). Sidewalks offset a portion of the vehicular traffic consequences of population growth and increased density.

In consideration of these reasons, the sidewalk requirements below are aimed at creating a safe and convenient sidewalk network along the streets, corridors and centers identified in Nashville’s General Plan (2015): Nashville Next, Nashville’s Strategic Transit Plan (2016): nMotion, and Nashville’s Strategic Plan for Sidewalks and Bikeways (2017): WalknBike, where the impact of Nashville’s growth is greatest.

These provisions are not intended to and shall not decrease the allowable floor area ratio for development.

A. Applicability.

1. Multi-family or non-residential development or redevelopment. All provisions of this section shall apply to the development or redevelopment of multi-family or nonresidential property when the property is located within the urban services district, or within a center designated in the general plan, or any of the property frontage is within a quarter mile of the boundary of a center designated in the general plan, or the property is on a street in the major and collector street plan. Properties on the opposite side of navigable waterways or controlled access highways from a center designated in the general plan are not subject to this provision. For the purposes of this subsection, there shall be a presumption that the current appraised value of all structures on the lot is that established by the Office of the Metropolitan Tax Assessor. Development or redevelopment of multi-family or nonresidential property shall include one of more of the following:
 - a. Construction of a new structure on a vacant lot, including lots on which all structures have been or are planned to be demolished; or

- b. The cost of any one renovation equal to or greater than fifty ~~person~~ percent of the current appraised value of all structures on the lot, or the value of multiple renovations during any five-year period equal to or greater than seventy-five percent of the current appraised value of all structures on the lot; or
 - c. The cost of any one expansion equal to or greater than twenty-five percent of the current appraised value of all structures on the lot, or the value of multiple expansions during any five-year period equal to or greater than fifty percent of the current appraised value of all structures on the lot; or
 - d. The total building square footage of any one expansion is equal to or greater than twenty-five percent of the total square footage of all structures on the lot, or the total building square footage of multiple expansions during any five-year period is equal to or greater than fifty percent of the total square footage of all the structures on the lot.
2. Single-family or two-family construction. All provisions of this section shall apply to the construction of new single-family or attached or detached two-family structure(s) when the property is within the Urban Zoning Overlay, or within a center designated in the general plan, or any of the property frontage is within a quarter mile of the boundary of a center designated in the general plan, or the property is on a street in the major and collector street plan in the urban services district (arterial and collector streets). Properties on the opposite side of navigable waterways or controlled access highways from a center designated in the general plan are not subject to this provision.
3. Waiver requests for all development types. Notification of a waiver request shall be sent to the appropriate district Councilmember, by way of the Metropolitan Council Office, by the Metropolitan Department of Codes Administration. Building permit(s) shall not be issued until at least ~~six~~ five business days from the date notification was sent to the Metropolitan Council Office.

The Zoning Administrator may waive, in whole or in part, the requirements of this section upon request by the property owner or its agent under the following circumstances:

- a. Where there is an existing substandard sidewalk, insufficient right-of-way, existing physical features on the property such as utilities, a ditch or drainage ditch, historic wall(s) or stone wall(s), tree(s), steep topography, or other hardship, the Zoning Administrator may approve an alternative design, or eliminate the sidewalk requirement in whole or in part if it is determined that a new sidewalk would not further the goal of extending or completing a sidewalk network. In addition to the Executive Director of the Planning Department, the Zoning Administrator shall consult with the Director of Public Works and the Director of Water Services, or their designees, prior to making any final determination.
- b. In unique situations where a public sidewalk is required by subsection 17.20.120 A.1. or A.2. and installation is required by subsection C of this section, the Zoning Administrator may allow the building permit applicant to make the in-lieu contribution for all or a portion of the street frontage(s) as an alternative to construction. In addition to the Executive Director of the Planning Department, the Zoning Administrator shall consult with the Director of Public Works and the Director of Water Services, or their designees, prior to making any final determination. This provision shall be limited to unique situations that are not typical.

- c. For properties eligible for public incentives for affordable housing from the Metropolitan Government, where the appropriately designated Metropolitan Government Department has provided the property owner with a letter indicating that said property or properties will be utilizing public funds for land or construction of the structure, the Zoning Administrator may waive the requirements of Section 17.20.120 A., C., and/or D., or, rather than waive the sidewalk requirements, the Zoning Administrator may only require sidewalks at key locations if recommended by the Executive Director of the Planning Department, or his or her designee.
 - d. Where reconstruction is required due to circumstances beyond the control of the property owner, including, but not limited to, natural disaster, fire, or accident, the Zoning Administrator may waive the requirement for new sidewalk construction.
 - e. For properties within Historic Zoning Overlay Districts, where new sidewalks would be detrimental to the historic nature of the street, and the waiver has been recommended by the Executive Director of the Metropolitan Historical Commission, or his or her designee, the Zoning Administrator may waive the requirement for new sidewalk construction.
 - f. Where a greenway exists or is reasonably expected to be constructed within six years that would provide similar connectivity, and the waiver has been recommended by the Executive Director of the Metropolitan Planning Department, or his or her designee, the Zoning Administrator may waive the requirement for new sidewalk construction.
 - g. For properties situated on corner lots in R and RS zoned districts, where new construction of sidewalks is determined to be inappropriate, the Zoning Administrator may permit alternative requirements. The Zoning Administrator shall consider the amount of street frontage and classification of fronting streets when making a determination. In addition to the Executive Director of the Planning Department, the Zoning Administrator shall consult with the Director of Public Works and the Director of Water Services, or their designees, prior to making any final determination.
- B. On-Site Sidewalk Installation For Multi-Family and Nonresidential Development. A continuous, all-weather internal sidewalk network, constructed to a minimum width of five feet, shall connect all pedestrian building entryways to parking areas and all public rights-of-way. Sidewalks shall be designed and constructed to be distinguishable from driving surfaces.
- C. Public Sidewalk Installation. The provisions of this subsection apply to all property frontage, regardless of whether sidewalks are provided in public right-of-way or pedestrian easements.
- 1. Construction of new sidewalks is required along the entire property frontage under any one or more of the following conditions, unless the property abuts a sidewalk segment that the Department of Public Works has funded and scheduled for construction:
 - a. When there is existing sidewalk in need of repair or replacement.
 - b. To extend the existing sidewalk, or sidewalk required as part of an existing Final Development Plan for a Specific Plan zoning district or issued permit within any other zoning district, on an abutting development.
 - c. Existing sidewalk present on the same block face.
 - d. Multi-family or nonresidential properties within the Urban Zoning Overlay.

- e. Multi-family or nonresidential properties along a street in the major and collector street plan.
2. Sidewalk Design Standards.
 - a. Sidewalk dimensions and required elements shall comply with the major and collector street plan or, for a street not in the major and collector street plan, the adopted standards of the metropolitan government. Design of sidewalks shall comply with approved standards established by the Department of Public Works.
 - b. Obstructions are prohibited within the required pedestrian travelway, but may be located within a grass strip/green zone or frontage zone. Prior to the issuance of use and occupancy permits, existing obstructions shall be relocated outside of the required pedestrian travelway.
- D. Contribution to the fund for the pedestrian benefit zone as an alternative to sidewalk installation.
1. When a public sidewalk is required by subsection A, but installation is not required by subsection C of this section, the building permit applicant may make a financial contribution to the fund for the pedestrian benefit zone in lieu of construction. The value of the contribution shall be the average linear foot sidewalk project cost, including new and repair projects, determined by July 1 of each year by the Department of Public Works' review of sidewalk projects contracted for or constructed by the Metropolitan Government. The contribution in-lieu of construction shall be no more than ~~two~~ three percent of the total construction value of the permit.
 2. Any such contributions received by the Metropolitan Government shall be assigned and designated for implementation of the strategic plan for sidewalks and bikeways, as approved by the Planning Commission. The applicant's payment shall be allocated within ten years of receipt of the payment within the same pedestrian benefit zone as the property to be developed; otherwise, the payment shall be refunded to the building permit applicant.
 3. Contribution to the pedestrian network as an alternative to sidewalk installation required under this section shall be received by the Department of Public Works, and written confirmation of the contribution shall be sent to the Department of Codes Administration prior to the issuance of a building permit.
- E. Dedication of Right-of-Way and Easements Required. Dedication of right-of-way and/or public pedestrian easement is required to permit present or future installation of a public sidewalk built to the current standards of the Metropolitan Government.
- F. Improvements required or elected on public rights-of-way and/or public pedestrian easements under subsection C of this section shall be reviewed for compliance by the Department of Public Works. No building permit shall be issued by the Department of Codes Administration until the Department of Public Works has released the building permit. Prior to the Department of Codes Administration authorizing final use and occupancy, the Department of Public Works shall inspect and approve the sidewalk improvements in the public rights-of-way and/or public pedestrian easements.

Section 2. That Section 17.20.125 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

17.20.125 – Right to appeal and seek variances.

The provisions of Section 17.20.120 may be varied or interpretations appealed in conformance with Chapter 17.40, Administration and Procedures. The Board of Zoning Appeals may require a contribution to the pedestrian network consistent with subsection 17.20.120.D., an alternative sidewalk design, or other appropriate mitigation for the loss of the public improvement as a condition to a variance. The Board of Zoning Appeals shall not accept an application until the Zoning Administrator has made a determination on the requirement as set forth in this chapter.

~~Section 3. That this Ordinance shall take effect five (5) days from and 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. Be it further enacted that this ordinance take effect September 1, 2019, 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:

Angie Henderson

Member(s) of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2019-1659

Mr. President:

I hereby move to amend Ordinance No. BL2019-1659 as follows:

I. By amending Section 1 by deleting proposed Section 17.20.120, Subsection D, in its entirety and substituting in lieu thereof the following:

D. Contribution to the sidewalk fund for the ~~pedestrian-benefit-zone~~ council district as an alternative to sidewalk installation.

1. When a public sidewalk is required by subsection A, but installation is not required by subsection C of this section, the building permit applicant may make a financial contribution to the sidewalk fund for the ~~pedestrian-benefit-zone~~ council district in lieu of construction. The value of the contribution shall be the average linear foot sidewalk project cost, including new and repair projects, determined by July 1 of each year by the Department of Public Works' review of sidewalk projects contracted for or constructed by the Metropolitan Government. The contribution in-lieu of construction shall be no more than two percent of the total construction value of the permit.
2. Any such contributions received by the Metropolitan Government shall be assigned and designated for implementation of the strategic plan for sidewalks and bikeways, as approved by the Planning Commission. The applicant's payment shall be allocated within ten years of receipt of the payment within the same ~~pedestrian-benefit-zone~~ council district as the property to be developed; otherwise, the payment shall be refunded to the building permit applicant.
3. Contribution to the pedestrian network as an alternative to sidewalk installation required under this section shall be received by the Department of Public Works, and written confirmation of the contribution shall be sent to the Department of Codes Administration prior to the issuance of a building permit.

INTRODUCED BY:

Angie Henderson
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2019-1695

Mr. President –

I hereby move to amend Ordinance No. BL2019-1695 as follows:

I. By adding Sections 4 & 5 as follows and renumbering subsequent sections appropriately:

Section 4. Be it further enacted, that general office uses on the site shall be excluded from being party to or receiving benefit from the existing Facilities Use Agreement with Metro Nashville Public Schools for use of the parking areas at Harris Hillman Elementary, Eakin Elementary, and/or Martin Professional Development Center. Parking at Fannie Mae Dees Park is also prohibited.

Section 5. Be it further enacted, that prior to receiving a use and occupancy permit, general office uses on the property shall furnish a binding shared parking agreement to provide sufficient parking to meet the required minimum number of parking spaces as described in Table 17.20.030 of the Metropolitan Code of Ordinances at an off-site location located no more than 1,500 feet from the edge of the property.

II. By amending current Section 4, now Section 6, by deleting proposed Condition 3 and renumbering the remaining conditions appropriately and adding the following three conditions as Conditions 4, 5, and 6:

4. Parking at Fannie Mae Dees Park is prohibited.
5. Prior to receiving a Use & Occupancy Permit for any general office use, a binding shared parking agreement to provide sufficient parking to meet the required minimum number of parking spaces as described in Table 17.20.030 of the Metropolitan Code of Ordinances at an off-site location located no more than 1,500 feet from the edge of the property must be submitted to Codes.
6. All conditions included with BL2013-492 shall remain applicable.

INTRODUCED BY:

Burkley Allen
Member of Council

SUBSTITUTE RESOLUTION NO. RS2019-1721

A resolution requesting that the Metropolitan Planning Commission and the Metropolitan Planning Department amend The Planning Commission Rules and Procedures Chapter 2 of the adopted Subdivision Regulations of the Metropolitan Government of Nashville and Davidson County to require the applicant to hold a community meetings prior to approval consideration of a Concept Plans , or prior to approval consideration of a Final Plats that is not eligible for administrative approval by Planning Staff when no Concept Plan is required, excluding lot line shifts and simple changes to notes on plats that may be required to go before the Planning Commission.

WHEREAS, under Tennessee Code Annotated, Sections 13-3-401 and 13-4-301, and in accordance with Article 11, Chapter 5 of the Charter of the Metropolitan Government of Nashville and Davidson County, the Metropolitan Planning Commission has sole authority to adopt subdivision regulations and to exercise control over platting and/or the subdivision of land within Nashville and Davidson County; and

WHEREAS, under Tennessee Code Annotated, Sections 13-3-401 through 13-4-309, the Metropolitan Planning Commission is required to adopt subdivision regulations; and

WHEREAS, the existing ~~Subdivision Regulations of the Metropolitan Government of Nashville and Davidson County~~ Planning Commission Rules and Procedures do not require community engagement in the development process of a proposed subdivision. But the interests of transparency, proper development, and an informed citizenry are better served if the Subdivision Regulations actively promote community engagement whenever feasible; and

WHEREAS, a required community meeting to be held by the applicant prior to approval consideration of a Concept Plan, or prior to approval consideration of a Final Plat that is not eligible for administrative approval by Planning Staff, when no Concept Plan is required, excluding lot line shifts and simple changes to notes on plats that may be required to go before the Planning Commission, will allow affected community members to be notified of potential developments in their neighborhoods and to voice timely comments and concerns to property developers applying for subdivisions; and

WHEREAS, increased community engagement from required public community meetings will facilitate the development of subdivisions that are more harmonious with established surrounding neighborhoods.

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

Section 1. That the Metropolitan Council hereby requests that the Metropolitan Planning Commission ~~and the Metropolitan Planning Department~~ amend The Planning Commission Rules and Procedures Chapter 2 of the adopted Subdivision Regulations of the Metropolitan Government of Nashville and Davidson County to require the applicant to hold a community meetings prior to approval consideration of a Concept Plans, or prior to consideration of a Final Plat that is not eligible for administrative approval by Planning Staff, excluding lot line shifts and simple changes to notes on plats that may be required to go before the Planning Commission or prior to approval of Final Plats when no Concept Plan is required.

Section 2. The Metropolitan Clerk is directed to send a copy of this Resolution to the Director of the Metropolitan Planning Department and to the Chairman of the Metropolitan Planning Commission.

Section 3. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Tanaka Vercher
Member of Council

AMENDMENT NO. ____
TO
RESOLUTION NO. RS2019-1800

Mr. President –

I hereby move to amend Resolution No. RS2019-1800 by inserting the following as a new Section 2 and renumbering the subsequent section accordingly:

Section 2. (a) Exercise of the Purchase Option referenced in Exhibit 2 shall not occur until and unless authorized by a resolution of Council receiving twenty-one (21) votes.

(b) In Section 1(c) of Exhibit 2, the term "July 31, 2019" is hereby deleted and replaced with "December 31, 2019".

INTRODUCED BY:

Tanaka Vercher

Bob Mendes
Members of Council

RESOLUTION NO. RS2019-_____

A resolution recognizing and congratulating the Vanderbilt University Commodores Baseball Team and Coach Tim Corbin on winning the 2019 NCAA Division I National Championship.

WHEREAS, the Vanderbilt Commodores Baseball Team under the leadership of Coach Tim Corbin won the 2019 National Collegiate Athletic Association's (NCAA) National Division I Championship, the University's second national title; and

WHEREAS, the Commodores victory on June 26, 2019 at the College World Series in Omaha, Nebraska culminated a season of extraordinary accomplishment; and

WHEREAS, the Commodores set a Southeastern Conference single-season record with their 59 wins and only 12 losses. They became the SEC Regular Season Champions, dominated the SEC Tournament and NCAA Regional Tournaments and reached the NCAA College World Series for their fourth time; and

WHEREAS, during their historic season, the team set five other single-season records with 100 home runs, 541 RBI's, 339 walks, 578 runs, and 765 strikeouts; and

WHEREAS, during their College World Series run, the team was recognized for their outstanding achievements with Coach Tim Corbin being named the SEC Coach of the Year, outfielder JJ Bleday was named SEC Player of the Year, freshman pitcher Kumar Rocker earned the NCAA Most Outstanding Player honors, as well as the team earning many other awards and honors; and

WHEREAS, this National Championship title is the result of the leadership of Coach Tim Corbin and the groundwork he has laid over his 17 years at Vanderbilt during which he has imparted his knowledge, passion, and dedication to his student-athletes; and

WHEREAS, in addition to the leadership of Head Coach Corbin, the Vanderbilt University Baseball Staff includes Assistant Coaches Scott Brown and Mike Baxter, Volunteer Assistant Coach David Macias, Sports Performance Coach Chris Ham, Athletic Trainer Tracy Campbell, Director of Baseball Operations Brooks Webb, Director of Player Development Brandon Barak, Video Coordinator Josh Ruchotzke, Equipment Manager Kevin Collins, and Administrative Assistant Casey Stangel; and

WHEREAS, this Championship Commodore team is composed of the following outstanding players and exemplary young men: Harrison Ray, Cooper Davis, Philip Clarke, Tate Kolwyck, Isaiah Thomas, Makenzie Stills, Ethan Paul, Matt Hogan, Dominic Keegan, Kiambu Fentress, Austin Martin, Walker Grisanti, Pat DeMarco, Stephen Scott, Ty Duvall, Tyler Brown, Julian Infante, Michael Sandborn, Ethan Smith, Cam McMillan, Patrick Raby, Sterling Hayes, Justin Willis, Hugh Fisher, Erik Kaiser, Zach King, Jackson Gillis, John Malcom, Jake Eder, Justyn-Henry Malloy, Austin Becker, Mason Hickman, Chance Huff, AJ Franklin, Luke Murphy, JJ Bleday, Joe Gobillot, Drake Fellows, Kumar Rocker, and Jayson Gonzalez; and

WHEREAS, the baseball players at Vanderbilt University epitomize all that is good in today's student-athlete, as they have achieved a premier level of success in competition and academics. Their perseverance, determination, work ethic, and talent have made not only a championship baseball season, but bodes well for their success in the future, and it is indeed appropriate to honor the Vanderbilt University Commodores Baseball Team and coaches at this time; and

WHEREAS, it is fitting and proper that the Metropolitan Council recognize and applaud the Vanderbilt Baseball Team for their extraordinary achievements both on and off the baseball field while setting an example for the youth of our community.

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

Section 1. The Metropolitan Council hereby goes on record as recognizing the Vanderbilt University Commodores Baseball Team, staff and Head Coach Tim Corbin for winning the 2019 NCAA College World Series.

Section 2. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Kathleen Murphy

Russ Pulley

Members of Council

SUBSTITUTE ORDINANCE NO. BL2019-1658

An ordinance amending Chapter 12.62 of Title 12 of the Metropolitan Code of Laws regarding shared urban mobility devices.

WHEREAS, the Metropolitan Government of Nashville and Davidson County has a fundamental responsibility to ensure safe passage on public rights-of-way, to protect public health, safety and welfare, and govern commerce in the public right-of-way; and

WHEREAS, the Metropolitan Government has the authority under state law and the Metropolitan Charter to regulate commerce and commercial equipment that use the public rights-of-way; and

WHEREAS, the Metropolitan Government has the authority under state law and the Metropolitan Charter to regulate the operation of vehicles on the public right-of-way, including streets, roads, bike lanes, sidewalks, and other thoroughfares; and

WHEREAS, a 2019 study conducted and published by the City of Austin, TX Department of Health [<http://www.austintexas.gov/edims/pio/document.cfm?id=318777>], in collaboration with Centers for Disease Control and Prevention (CDC), examined 271 scooter-related injuries for the period of September 5 through November 30, 2018, and determined that almost half of the injured riders had a severe injury, with fifteen percent of the riders showing evidence of a traumatic brain injury; and

WHEREAS, from January 1 through April 30, 2019, the Nashville Fire Department responded to 74 scooter-related accidents, 43 of which occurred during the month of April alone; and

WHEREAS, a 26-year-old Nashville resident died on May 19, 2019, as a result of injuries sustained from a scooter crash the week before; and

WHEREAS, the Metropolitan Council has determined that, in the interest of public health, safety and welfare, it is necessary to terminate the current shared urban mobility device (SUMD) pilot program for electric scooters, and to issue a request for proposals (RFP) to select a limited number of operators based upon more stringent safety and regulatory standards.

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

Section 1. Chapter 12.62 of the Metropolitan Code is hereby amended by deleting Sections 12.62.020, 12.62.030, 12.62.040, 12.62.050, 12.62.060, 12.62.070, 12.62.080, 12.62.090, 12.62.100, and 12.62.110 in their entirety, substituting in lieu thereof the following new Sections 12.62.020, 12.62.030, and 12.62.040, and renumbering section 12.62.120 as section 12.62.050:

12.62.020 SUMDs prohibited.

Except as otherwise provided in this section, no operator shall be allowed to place, or cause to be placed, any SUMD within the metropolitan government public rights-of-way. The placement and operation of SUMDs within the public rights-of-way is strictly prohibited unless and until the transportation licensing commission selects a limited number of operator(s) through a request for proposals process pursuant to section 12.62.030 of this chapter. The only SUMD operators permitted to operate within the geographic boundaries of Nashville and Davidson County are operators chosen through a request for proposals process pursuant to section 12.62.030 of this chapter.

12.62.030 SUMD request for proposals.

The Metropolitan Transportation Licensing Commission (MTLC) is authorized and directed to issue a request for proposals (RFP) within 60 days of the effective date of this section to select one to three SUMD operators to operate within the area of the metropolitan government. The scoring for such RFP shall be based upon criteria including but not limited to the following:

1. A limitation on the number of permitted SUMDs per operator.
2. Limits on the number of SUMDs deployed in the downtown area and at any single location.
3. Plans for deployment near transit stops.
4. The deployment of solar powered docking stations.
5. A proposed per-ride fee to be applied toward the metropolitan government's enforcement and administrative costs associated with the SUMD program.
6. Plans for reasonable enforcement activities to be performed by the operators.
7. Plans for helmet distribution and other safety-related measures.
8. Plans for rider education.
9. Proposed hours of operation and speed reduction zones.

12.62.030 MTLC to establish regulations.

The MTLC is authorized and directed to establish the regulations, safety standards, requirements and fees it determines necessary and reasonable to regulate the SUMD operators chosen through a request for proposals process pursuant to section 12.62.030 of this chapter, along with the operators' respective fleets. The MTLC and its staff have the power and are authorized to do all acts and things necessary or convenient to implement this ordinance, compel and enforce compliance with MTLC rules, to promote and protect public safety, to ensure the right of way is not impeded, and to prevent ADA-related violations.

Section 2. This ordinance shall take effect from and after its adoption, the welfare of the Metropolitan Government requiring it.

INTRODUCED BY:

Member(s) of Council

SUBSTITUTE ORDINANCE NO. BL2019-1658

An ordinance amending Chapter 12.62 of Title 12 of the Metropolitan Code of Laws regarding shared urban mobility devices.

WHEREAS, the Metropolitan Government of Nashville and Davidson County has a fundamental responsibility to ensure safe passage on public rights-of-way, to protect public health, safety and welfare, and govern commerce in the public right-of-way; and

WHEREAS, the Metropolitan Government has the authority under state law and the Metropolitan Charter to regulate commerce and commercial equipment that use the public rights-of-way; and

WHEREAS, the Metropolitan Government has the authority under state law and the Metropolitan Charter to regulate the operation of vehicles on the public right-of-way, including streets, roads, bike lanes, sidewalks, and other thoroughfares; and

WHEREAS, research by Walk Bike Nashville suggests hundreds of Nashvillians a day rely on scooters for an affordable commute; and

WHEREAS, studies have shown that one third of scooter trips would otherwise be in a personal automobile, exacerbating traffic congestion and environmental degradation; and

WHEREAS, hundreds of residents of Nashville and Davidson County are employed directly by SUMD operators or rely on them for additional income; and

WHEREAS, a 2019 study conducted and published by the City of Austin, TX Department of Health [<http://www.austintexas.gov/edims/pio/document.cfm?id=318777>], in collaboration with Centers for Disease Control and Prevention (CDC), recommended increasing the "frequency and methods of educational messages on safe e-scooter riding practices"; and

WHEREAS, the Metropolitan Council has determined that, in the interest of public health, safety and welfare, it is necessary to terminate the current shared urban mobility device (SUMD) pilot program for electric scooters, and to issue a request for proposals (RFP) to select a limited number of operators based upon more stringent safety and regulatory standards.

WHEREAS, the Metropolitan Government has issued SUMD permits to seven (7) operators which has resulted in approximately 4100 electric scooters being licensed to operate within Metro Davidson County; and

WHEREAS, the current number of operators and the volume of SUMDs within the right of way presents a safety risk that endangers the welfare of the community; and

WHEREAS, the number and volume of SUMDs must be reduced to protect the public and to make it more realistic for the City to enforce its regulations and police its right of way; and

WHEREAS, the Metropolitan Council believes that the following SUMD fleet reductions and instructions to the MTLC to enact the enumerated emergency rules governing SUMD operations within Davidson County, are required by the Public Welfare and are necessary to protect the Public Safety.

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

Section 1. That Title 12, Section 12.62.080 of the Metropolitan Code of Laws is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

~~12.62.080 – Number of shared urban mobility devices allowed.~~

- ~~A. Permitted operators' fleets shall be limited in number, with separate limitations for each type or category of SUMD, such as bicycles, powered bicycles, and powered scooters. The MTLC may establish other categories of SUMDs.~~
- ~~B. Each type of category of SUMD in a permitted operator's fleet shall be limited in number as determined by the MTLC.~~
- ~~C. The MTLC shall establish criteria, rules and procedures for determining the number SUMDs in a permitted operator's fleet.~~
- ~~D. No permitted operator that is operating as of May 16, 2019 or thereafter shall be granted an increase in the number of SUMDs in its fleet throughout the remainder of the pilot program.~~
- ~~E. The MTLC may require permitted operators to reduce their fleet size after notice and a hearing before the MTLC. Pursuant to the authority provided under subsection 12.62.050.M herein, the MTLC may further require permitted operators to immediately reduce their fleet size in the interests of public health and safety, with such reductions remaining in effect until a notice and hearing is conducted by the MTLC within no more than 60 days following such action.~~
- ~~F. The MTLC shall establish regulations, requirements and limitations to reduce clustering of SUMDs. Until the MTLC establishes such regulations, requirements and limitations, all permitted operators shall have systems with service areas that do not exceed two hundred twenty five of each type of SUMDs per square mile. The MTLC shall designate the location of the square mile locations in relation to service areas.~~
- ~~G. The MTLC shall establish regulations, requirements and limitations to require permitted operators to include Nashville Promise Zones in their service areas. Until the MTLC establishes such regulations, requirements and limitations, any permitted vendors operating systems with five hundred or more SUMDs must include Nashville Promise Zones in twenty percent or more of their service area.~~

Section 2. That Title 12, Section 12.62.070 of the Metropolitan Code is hereby amended by adding a new subsection C to read as follows:

~~C. The MTLC has the authority to establish any additional fees it determines necessary and reasonable to carry out and enforce this pilot program, including but not limited to assessing fees on already permitted operators.~~

Section 1. That all Sections of Chapter 12.62 of the Metropolitan Code of Laws after Section 12.62.010 are hereby deleted in their entirety.

Section 2. That Chapter 12.62 is further amended by creating a new section 12.62.020 – Termination of SUMD Permits:

12.62.020 – Termination of SUMD Permits

- A. In the interest of public safety and to protect public welfare, and upon the effective date of this section, all SUMD permits issued by the MTLC are hereby terminated and replaced by a temporary permit to operate within Metro with a fleet size of 50% of that which was authorized by their permit on July 1, 2019. This temporary permit will terminate automatically upon the issuance of new permits to operate SUMDs by the MTLC as result of a Request for Proposal (RFP) process, as set forth below.

- B. There shall be no additional SUMD permits or fleet expansions issued by the MTLC unless and until an RFP process, as set forth below, has occurred. Any future SUMD operator permit must be issued pursuant to the RFP process.
- C. The MTLC is directed to conduct an RFP process as described herein. This process shall be completed, and new permits issued within 100 days from effective date of ordinance. The RFP shall select up to three (3) operators to operate a fleet of SUMDs. The MTLC shall initially allow each selected operator a minimum of 500 units in its fleet. Future post RFP increases in a specific operator's SUMD fleet size shall be determined by the MTLC and shall be based on reasonable and objective criteria to be developed by the MTLC, including but not limited to, its understanding of an operator's ability and willingness to achieve the goals of this chapter. In addition to any evaluation criteria developed by the MTLC, the RFP process will be required to thoroughly evaluate potential operators in the following areas:
1. Equipment and Safety
 2. Commitment to ensuring rider compliance with State and Local laws, including, but limited to DUI laws and rider age requirements.
 3. Commitment to promoting proper and safe use of SUMDs, including the use of helmets.
 4. Use of staffing, technology and other means to limit or prohibit use of SUMDs in restricted areas, including but not limited to, sidewalks.
 5. Staffing to adequately and timely address issues with parking of SUMDs on public rights-of-way, public sidewalks, and private property, the rebalancing unit during hours of operation, and issues with accessibility, especially those relevant to the Americans with Disabilities Act (ADA).
 6. Response times to address issues with SUMDs.
 7. Plans to coordinate and cooperate with the Metropolitan Government concerning special events.
 8. Inclement weather plans.
 9. Use of technology to limit operation of SUMD's while impaired, especially after 10 PM on weekdays, and after 11 PM on weekends and Holidays.
- D. The MTCL is directed to immediately enact emergency regulations to govern the interim period of reduced SUMD fleet operation in Metro as well as operation after an operator has been selected pursuant to the RFP process outlined above. In addition to any regulations the MTLC believes are necessary for the safe and efficient operation of a SUMD fleet within Metro, including, but not limited to establishing additional fees it determines are reasonable and necessary to carry out and enforce this ordinance, the regulations shall, at a minimum, require:
1. Use of technology where reasonable and practicable to create no ride and slow zones, where operation of SUMDs or where speeds in excess of 8 miles per hour, is not permitted, in the following locations:
 - a. Slow zone - Broadway between 7th Ave and the Cumberland River;
 - b. Slow zone - 2nd Avenue between Broadway and Union Street;
 - c. No ride zone - Any Metropolitan greenways; and
 - d. No ride zone - Within any Metropolitan Parks, except on paved streets located within the same.
 2. Prohibition of the operation of SUMDs after 10 PM on weekdays and 11 PM on weekends and Metro holidays, unless the operator institutes an impaired user function, as a prerequisite to riding the SUMD after these hours.
 3. Two full time employees per 100 SUMDs. The primary responsibility of these employees would be to rebalance fleets to address clustering, sidewalk blockage issues, respond to private property owner complaints, and ensure maximum effective utilization of Metro-provided SUMD corrals and overall fleet safety and reliability.

4. That reasonable helmet promotional activities and increased education activity be conducted by all permitted operators and that the same be reported to the MTCL on a quarterly basis and to the Metropolitan Council annually.
5. Signage that indicates that SUMDs are not to be operated on sidewalks in areas where the MTLC determines sidewalk use is to prohibited. Each permitted operator shall reimburse the Metropolitan Government for the cost of the signage on a pro-rata basis, up to a maximum of \$10,000 per company per year. This signage shall be installed by the MTLC or the Department of Public Works.
6. The establishment of an accessibility complaint "hotline", to be funded on a pro rata basis by all SUMD operators, that would have a required 30-minute response time to all accessibility or ADA related issues or complaints.
7. A 120-minute response time to all non-accessibility or ADA related complaints associated with SUMDs.
8. A right, after notice and hearing, for the MTLC to suspend a permit or reduce fleet size, based on willful failure to comply with MTLC rules and regulation.

Section 3. This ordinance shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Tanaka Vercher

Anthony Davis

Russ Pulley
Members of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2019-1707

Mr. President –

I hereby move to amend Ordinance No. BL2019-1707 by amending Section 3 to delete the phrase “subsection 3” and substitute in lieu thereof the phrase “subsection A.3”.

INTRODUCED BY:

Steve Glover
Member of Council