



Metropolitan Council

PROPOSED LATE-FILED

RESOLUTIONS, AMENDMENTS

TO ORDINANCES, AND

SUBSTITUTE ORDINANCES TO BE

FILED WITH THE METRO CLERK

FOR THE COUNCIL MEETING OF

TUESDAY, AUGUST 20, 2019

LATE-FILED RESOLUTION NO. RS2019-___

A resolution requesting that the Mayor's Office and the Metropolitan Department of Finance fully and regularly apprise members of the Metropolitan Council, through Vice Mayor Jim Shulman, of the intended response to requests and concerns submitted August 6, 2019 by the Tennessee Comptroller of the Treasury.

WHEREAS, the Tennessee Comptroller of the Treasury submitted correspondence on August 6, 2019 addressed to both Mayor David Briley and to the Member of the Metropolitan Council; and

WHEREAS, in his correspondence, the Tennessee Comptroller acknowledged a request from the Metropolitan Government of Nashville and Davidson County, dated July 31, 2019, for the retroactive approval of tax anticipation notes (TANs) for fiscal year 2020 in the total amount of \$220,000,000, as well as a request for approval to issue TANs for fiscal year 2020 in the total amount of \$80,000,000; and

WHEREAS, the Tennessee Comptroller further stated, "Metro issued the retroactive TANs prior to seeking or receiving approval from the Comptroller" as required under Tennessee law; and thereafter noted, "We are in the process of discussing a number of fiscal concerns that need to be clarified or addressed."; and

WHEREAS, the correspondence from the Tennessee Comptroller approved the interfund tax anticipation notes in the total amount of \$300,000,000, but conditioned approval upon receipt by September 20, 2019 of (1) updated cash flow forecasts for all borrowing and Lending Funds, and (2) a summary explanation of the impact of the sale of assets, including property and parking rights, on the fiscal year 2020 budget as well as the status of those sales; and

WHEREAS, in addition, the Tennessee Comptroller requested "that the Metro Council provide our office with a cash management policy", and offered guidance regarding adoption of such policy; specifically, the adoption of minimum cash balances; and

WHEREAS, because the Tennessee Comptroller specifically addressed requests and concerns to the Metropolitan Council (as well as to the Mayor), it is incumbent upon the Council to be responsive to the Comptroller – whether in conjunction with, or separate from, the Mayor's Office; and

WHEREAS, by virtue of the election cycle established under Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County, several members of the Metropolitan Council will leave office after August 31, 2019. Moreover, several District Council seats, At-Large vacancies, and the Office of Mayor remain to be determined through run-off elections scheduled September 12, 2019; and

WHEREAS, during this transitional electoral period, it is fitting and proper that the Metropolitan Council take appropriate steps to ensure that Council members who will remain in, or otherwise assume office, in September 2019 be kept fully apprised of the intended response by the Mayor's Office and the Metropolitan Department of Finance to the Comptroller's requests and concerns.

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 requesting that the Mayor's Office and the Metropolitan Department of Finance fully and regularly apprise, and coordinate with, Vice Mayor Jim Shulman, as presiding officer of the Metropolitan Council, regarding the intended response to the requests

and concerns submitted by the Tennessee Comptroller of the Treasury well in advance of responsive deadlines.

Section 2: The Metropolitan Clerk is directed to prepare a copy of this Resolution to be sent to Justin P. Wilson, Comptroller of the Treasury, and to Mayor David Briley.

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:

Bob Mendes
Member of Council, At-Large

LATE-FILED RESOLUTION NO. RS2019- _____

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Shaundelle Brooks, as next of kin of Akilah DaSilva, against the Metropolitan Government of Nashville and Davidson County in the amount of \$125,000.00, and that said amount be paid out of the Self-Insured Liability Fund and requesting the Emergency Communications Center adopt a policy regarding 911 calltakers.

WHEREAS, on April 22, 2018, Akilah DaSilva was shot in the shoulder at the Antioch Waffle House located at 3571 Murfreesboro Pike; and

WHEREAS, 911 calltakers incorrectly dispatched the emergency response to the Hermitage Waffle House at 816 Murfreesboro Pike instead, which was located approximately ten miles away and in a different police precinct, thereby delaying the emergency response; and

WHEREAS, GPS coordinates for multiple callers were available to dispatchers, but they failed to use available equipment to verify caller locations before dispatching the emergency response; and

WHEREAS, Akilah DaSilva died from blood loss after arriving at Vanderbilt University Medical Center shortly thereafter; and

WHEREAS, the settlement listed in Section 1 is consistent with similar resolutions approved by the Council of the Metropolitan Government of Nashville and Davidson County, including Resolution No. RS2017-583, which authorized the Metropolitan Department of Law to compromise and settle the claim of Robin Williamson against the Metropolitan Government of Nashville and Davidson County in the amount of \$125,000.00 regarding a claim of negligence involving a 911 calltaker; and

WHEREAS, the settlement listed in Section 1 is fair and reasonable and in the best interests of the Metropolitan Government, and any and all claims or causes of action brought, or that could have been brought, by Shaundelle Brooks, as next of kin of Akilah DaSilva, against the Metropolitan Government related to the events detailed above, should be compromised and settled for \$125,000.00, this amount to be paid from the Self-Insured Liability Fund.

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

Section 1: The Metropolitan Department of Law is authorized and instructed to compromise and settle the claim of Shaundelle Brooks, as next of kin of Akilah DaSilva, against the Metropolitan Government of Nashville and Davidson County in the amount of \$125,000.00, and said amount should be paid out of the Self-Insured Liability Fund.

Section 2: The Metropolitan Council further goes on record as requesting that the Emergency Communications Center adopt a policy that prevents 911 calltakers from disregarding available GPS coordinates when responding to emergency calls.

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.

APPROVED AS TO AVAILABILITY OF FUNDS:

INTRODUCED BY:

Talia Lomax-O'dneal,
Director of Finance

Tanaka Vercher
Member of Council

APPROVED AS TO FORM AND LEGALITY:

Jon Cooper,
Director of Law

SUBSTITUTE ORDINANCE NO. BL2019-1516

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 RS5 to SP zoning for property located at 725 Hart Avenue, on the Southeast corner of the intersection of Cleveland Avenue and Hart Avenue, (0.18 acres), to permit ~~up to three~~ one detached two family residential units all of which is described herein (Proposal No. 2018SP-061-001).

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 RS5 to SP zoning for property located at 725 Hart Avenue, on the Southeast corner of the intersection of Cleveland Avenue and Hart Avenue, (0.18 acres), to permit ~~up to three~~ one detached two family residential units, being Property Parcel No. 242 as designated on Map 082-08 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 that was duly considered by the Metropolitan Planning Commission, 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 082 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 ~~three multi-family~~ one detached two family residential units and Short Term Rental – owner occupied. Short term rental property – not owner occupied shall be prohibited.

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

1. 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.
2. The preliminary SP plan shall be revised to show one detached two family residential unit on the property. No more than two residential dwelling units shall be permitted.
3. A minimum six foot separation is required between units and is subject to all Building and Fire Code requirements.
4. One of the two proposed detached dwelling units shall be limited to 700 square feet of living space and a 750 square foot footprint, be no taller than the larger unit as measured to the eave line, and maintain a roof ridge line less than the larger unit and no higher than 27 feet, be of similar architectural style (including roof form and pitch), design, and color to the larger unit.

5. The smaller dwelling unit may have dormers that relate to the style and proportion of windows on the structure and shall be subordinate to the roof-slope by covering no more than 50% of the roof. Dormers must be setback a minimum of 2 feet from the exterior wall.
6. Access to the development shall be from the alley. No new curb cuts shall be made on Hart Avenue or Cleveland Avenue.

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 RM9-A 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:

Scott Davis
Member of Council

2018SP-061-001
725 HART AVENUE TOWNHOMES
Map 082-08, Parcel(s) 242
Subarea 05, East Nashville
District 05 (S Davis)
Application fee paid by: Roger D Livingston

A request to rezone from RS5 to SP zoning for property located at 725 Hart Avenue, on the Southeast corner of the intersection of Cleveland Avenue and Hart Avenue, (0.18 acres), to permit ~~up to three~~ one detached two family residential unit, requested by Dewey Engineering, applicant; Roger D. Livingston Jr and Karla S. Livingston., owner.



AMENDMENT NO. A
TO
ORDINANCE NO. BL2019-1614

Mr. President –

I hereby move to amend Ordinance No. BL2019-1614 as follows:

- I. By renumbering "Section 3" as "Section 2".
- II. By deleted the "Exhibit" attached to the ordinance.

INTRODUCED BY:

Freddie O'Connell
Member of Council

AMENDMENT NO. B
TO
ORDINANCE NO. BL2019-1614

Mr. President –

I hereby move to amend Ordinance No. BL2019-1614 by deleting Section 1 in its entirety and substituting in lieu thereof the following:

Section 1. Section 17.32.050(G)(2)(b) of the Zoning Code is hereby amended by adding the following text at the end of the subsection:

The distance or spacing requirement shall not apply to signs on property zoned CF or CS district and located adjacent to, along the west side of, the combined Interstate segment of I-40/I-65 near downtown Nashville.

INTRODUCED BY:

Robert Swope
Member of Council

AMENDMENT NO. A

TO

SUBSTITUTE ORDINANCE NO. BL2019-1633 (AS AMENDED)

Mr. President –

I move to amend Substitute Ordinance No. BL2019-1633 (as amended) as follows:

I. By deleting Sections 17 and 18 in their entirety and substituting in lieu thereof the following:

~~Section 17. The provisions of Sections 1 through 6 of this Ordinance shall become effective May 31, 2020.~~

~~Section 18. The provisions of Sections 1, 14, and 15 of this Ordinance shall become effective May 31, 2020. The remaining Sections of 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.~~

Section 17. The Metropolitan Clerk is directed to send a copy of this Ordinance to the Zoning Administrator for the Metropolitan Department of Codes Administration.

Section 18. The provisions of Sections 1, 14, and 15 of this Ordinance shall become effective ~~May 31~~ January 1, 2020. The remaining Sections of 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

AMENDMENT NO. B

TO

SUBSTITUTE ORDINANCE NO. BL2019-1633 (AS AMENDED)

Mr. President –

I move to amend Substitute Ordinance No. BL2019-1633 (as amended) as follows:

I. By deleting Section 15 (originally labeled "Section 14" prior to subsequent amendment) in its entirety and substituting in lieu thereof the following:

Section 15. 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, 2022, 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. After said date, the maximum number of subsequent owners who may apply for and be issued an STRP permit is ~~two (2)~~one (1); and each such STRP permit issued shall be recorded with the Davidson County Register of Deeds by the subsequent owner within thirty (30) days of issuance. Additionally, the subsequent owner must make application for the permit within thirty (30) days of acquisition or closing, whichever occurs first. Failure to record and make application for a permit as set forth herein, regardless of reason, shall render the property ineligible for a STRP permit or any subsequent STRP permit.

INTRODUCED BY:

Freddie O'Connell
Member of Council

SECOND 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.~~

WHEREAS, in 2018, the Tennessee General Assembly adopted the Short Term Rental Unit Act, now codified at Tenn. Code Ann. §13-7-601, et seq., which created inconsistencies with existing short term rental property regulations under the Metropolitan Code of Laws, necessitating revisions included below.

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 2. 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 43. 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 54. 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 65. 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 6. That Section 17.16.250 of the Metropolitan Code is hereby amended by adding the following as subsection E.1.g thereto:

g. Notwithstanding any provision herein to the contrary, any residential dwelling created by or contained within a horizontal property regime pursuant to Tenn. Code Ann. § 66-27-101, et seq. shall not be limited or otherwise restricted by subsections (e) or (f) of this section if a permit was issued on or before July 1, 2019.

Section 7. 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 9. 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 11. 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 ~~16~~14. The Metropolitan Clerk is directed to send a copy of this Ordinance to the Zoning Administrator for the Metropolitan Department of Codes Administration.

~~Section 1715. The provisions of Sections 1 through 6 of this Ordinance shall become effective May 31, 2020 January 1, 2022. The remaining Sections of 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.~~

~~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:

Angie Henderson

Larry Hagar

Mina Johnson
Members of Council

SECOND 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, in 2018, the Tennessee General Assembly adopted the Short Term Rental Unit Act, now codified at Tenn. Code Ann. §13-7-601, et seq., which created inconsistencies with existing short term rental property regulations under the Metropolitan Code of Laws, necessitating revisions included below.

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 21. 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 42. 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 53. That Section 17.16.070 of the Metropolitan Code is hereby further amended by deleting Subsection U.4.l.i and U.4.l.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 64. That Section 17.16.070 of the Metropolitan Code is hereby further amended by deleting Subsection U.4.l.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 5. That Section 17.16.250 of the Metropolitan Code is hereby amended by adding the following as subsection E.1.g thereto:

g. Notwithstanding any provision herein to the contrary, any residential dwelling created by or contained within a horizontal property regime pursuant to Tenn. Code Ann. § 66-27-101, et seq. shall not be limited or otherwise restricted by subsections (e) or (f) of this section if a permit was issued on or before July 1, 2019.

Section 76. 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 ~~87~~. 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 ~~98~~. 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 ~~109~~. 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 ~~11~~10. 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~~11. 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~~12. 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 ~~16~~13. The Metropolitan Clerk is directed to send a copy of this Ordinance to the Zoning Administrator for the Metropolitan Department of Codes Administration.

Section ~~17~~. The provisions of Sections ~~1 through 6~~ of this Ordinance shall become effective ~~May 31, 2020~~.

Section ~~18~~14. 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:

Mina Johnson
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2019-1679

Mr. President –

I hereby move to amend Ordinance No. BL2019-1679 as follows:

I. By amending Section 4, by adding the following condition as Condition 7:

7. No Final Site Plan shall be approved for the property until a community benefits agreement is executed with the Cane Ridge Community Club.

INTRODUCED BY:

Fabian Bedne
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2019-1764

Mr. President –

I hereby move to amend Ordinance No. BL2019-1764 as follows:

I. By amending Section 4, by adding the following condition as Condition 5:

5. The developer shall dedicate \$75,000 towards the installation of at least one public art piece that shall be installed within the project boundary or the adjacent right-of-way. The Developer shall work with the Council Member within a process of her choosing. The developer shall retain the right of final approval for the art to be installed.

INTRODUCED BY:

Mary Carolyn Roberts
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2019-1766

Mr. President –

I move to amend Ordinance No. BL2019-1766 as follows:

I. By amending Section 3 by deleting the marked through text and substituting there for the underlined text in the following:

Section 3. Be it further enacted, that the uses of this SP shall be limited to a maximum of 29 two-family lots. Short Term Rental Property (STRP) – Owner Occupied and Short Term Rental Property (STRP) – Non-Owner Occupied uses shall not be permitted.

II. By amending Section 4 by adding the following conditions:

7. This property shall not be eligible for short-term rental property (STRP) permits under Chapter 17.16 of the Metropolitan Code of Laws. Short Term Rental Property (STRP) – Owner Occupied and Short Term Rental Property (STRP) – Non-Owner Occupied uses shall be prohibited.

INTRODUCED BY:

Steve Glover
Member of Council

SUBSTITUTE ORDINANCE NO. BL2019-1774

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 CS to SP zoning for properties located at 2540 Murfreesboro Pike and Lakevilla Drive (unnumbered), located at the northeast corner of Murfreesboro Pike and Lakevilla Drive (3.06 acres), to permit ~~50~~ up to 45 multi-family residential units and a maximum of 10,000 square feet of commercial use, all of which is described herein (Proposal No. 2019SP-054-001).

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 CS to SP zoning for properties located at 2540 Murfreesboro Pike and Lakevilla Drive (unnumbered), located at the northeast corner of Murfreesboro Pike and Lakevilla Drive (3.06 acres), to permit ~~50~~ up to 45 multi-family residential units and a maximum of 10,000 square feet of commercial use, being Property Parcel Nos. 004, 005, 006 as designated on Map 149-03 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 that was duly considered by the Metropolitan Planning Commission, 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 149 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 up to ~~50~~ 45 multi-family residential units and a maximum of 10,000 square feet of commercial uses as identified on the plan.

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

Conditions

1. Revise Note No. 1 "Uses shall be limited to up to 50 multi-family residential units and a maximum of 10,000 square feet of commercial uses as identified on the plan."
2. Sidewalks along Lakevilla Drive shall be built to local street standards. Sidewalks along Murfreesboro Pike shall be built to the Major and Collector Street standards as determined in coordination with Planning and Public Works.
3. Comply with all conditions of Metro Agencies.

4. The height of the mixed use building along Murfreesboro Pike shall be limited to two stories and a maximum height of ~~45~~ 35 feet to the highest point of the roof. Units 1 through 30 shall be limited to a maximum height of 35 feet to the highest point of the roof.
5. Units fronting Lakevilla Drive and Murfreesboro Pike shall contain a pedestrian connection to the required sidewalks.
6. 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.
7. 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.
8. Note 4 of the Architectural Standards shall be revised to read "At least 50% of the building exteriors will be made up of one or a combination of the following materials: Brick, stone, masonry, and/or glazing."
9. The land use table shall be revised to include Short Term Rental Property (STRP) – Owner Occupied as a prohibited use within the SP.
10. This property shall not be eligible for short-term rental property (STRP) permits under Chapter 17.16 of the Metropolitan Code of Laws.

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 MUN-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

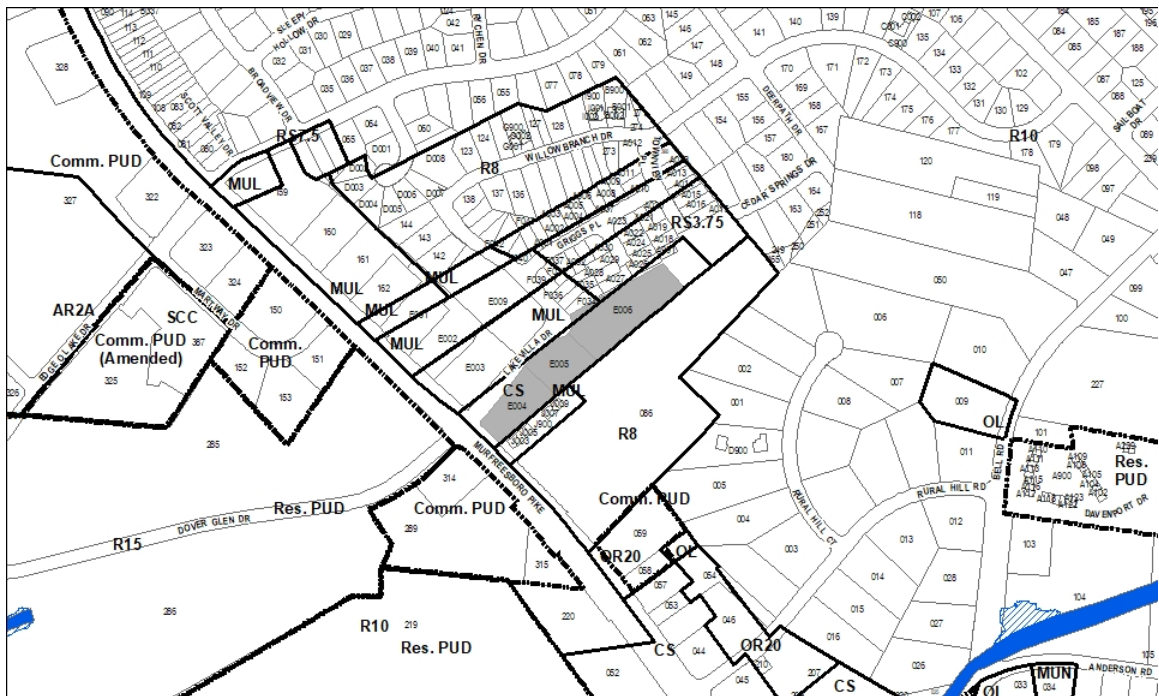
Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Delishia Porterfield
Member of Council

2019SP-054-001
2540 MURFREESBORO PIKE
Map 149-03-0-E, Parcel(s) 004-006
Subarea 13, Antioch - Priest Lake
District 29 (Porterfield)
Application fee paid by: Michael Dewey

A request to rezone from CS to SP zoning for properties located at 2540 Murfreesboro Pike and Lakevilla Drive (unnumbered), located at the northeast corner of Murfreesboro Pike and Lakevilla Drive (3.06 acres), to permit 50 up to 45 multi-family residential units and a maximum of 10,000 square feet of commercial use, requested by Dewey Engineering, applicant; Scotland Springs, LLC, owner.



AMENDMENT NO. ____
TO
ORDINANCE NO. BL2019-1780

Mr. President –

I hereby move to amend Ordinance No. BL2019-1780 as follows:

I. By amending Section 4, by modifying Condition 4 and adding Condition 5:

4. With the Final Site Plan, provide a landscape ~~buffer screen consisting of evergreen trees with a mature height of at least twenty (20) feet to the west of building number 1~~ along the rear of the buildings on the west side of the property.

5. Any exterior lighting in the development shall be focused downward and no lighting shall extend beyond the current property boundaries.

INTRODUCED BY:

Robert Swope
Member of Council