



Metropolitan Council

**PROPOSED SUBSTITUTE
ORDINANCES, SUBSTITUTE
RESOLUTION, AND
AMENDMENTS TO ORDINANCES
TO BE FILED WITH THE METRO
CLERK**

**FOR THE COUNCIL MEETING OF
TUESDAY, MAY 5, 2020**

SUBSTITUTE ORDINANCE NO. BL2019-79

An Ordinance to amend Section 17.16.250 of the Metropolitan Code regarding advertisement and occupancy of a Short Term Rental Property – Owner-Occupied (Proposal No. 2020Z-002TX-001).

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

Section 1. That Section 17.16.250 of the Metropolitan Code, the Zoning Ordinance for the Metropolitan Government of Nashville and Davidson County, is hereby amended by adding the following provision at the end of subsection E.1.b:

"Further, other than for a legally permitted detached accessory dwelling unit; for a legally permitted accessory apartment; or for a two-family residential unit under common ownership with a two-family unit on the same lot permitted in accordance with subsection E.1.f of this section, advertisements for an owner-occupied STRP shall not advertise availability of entire/whole home ~~all of the bedrooms within the unit~~ for STRP use."

~~Section 2. That Section 17.16.250 of the Metropolitan Code, the Zoning Ordinance for the Metropolitan Government of Nashville and Davidson County, is hereby amended by adding the following provision at the end of subsection E.1.d:~~

~~"Further, the owner shall reside onsite at all times the property is being used as an STRP. The owner shall not be permitted to be temporarily absent from the dwelling unit for longer than 15 consecutive hours within any 24 hour period while the property is being used as an owner-occupied STRP."~~

Section 32. This Ordinance shall take effect 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.

INTRODUCED BY:

Freddie O'Connell
Member of Council

SUBSTITUTE ORDINANCE NO. BL2020-187

An ordinance to amend Titles 5, 6, and 17 of the Metropolitan Code, Zoning Regulations, pertaining to Short Term Rental Properties (Proposal No. 2020Z-006TX-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 and to support the local tourism industry; and

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

WHEREAS, to further this goal, the appellate procedures in Nashville’s Short Term Rental Property ordinance should be transferred from Title 17 to Title 6 and reorganized for greater clarity.

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

Section 1. That Title 17 of the Metropolitan Code is hereby amended by deleting Sections 17.16.070.U and Section 17.16.250.E in their entirety.

Section 2. That Title 17 of the Metropolitan Code is hereby amended by adding the following:

17.16.250.E – Short Term Rental Property Owner-Occupied. STRP owner-occupied is permitted as an accessory use in all zoning districts that allow residential use excluding NS districts provided a permit has been issued for operation of the property as an STRP pursuant to this section. In IWD, IR and IG, STRP is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan use.

1. All STRP owner-occupied activity must be permitted in accordance with Metropolitan Code § 6.28.030.

17.16.070.U – Short Term Rental Property Not Owner-Occupied. STRP not owner-occupied is 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.

1. All STRP not owner-occupied activity must be permitted in accordance with Metropolitan Code § 6.28.030.

2. Single-family and one and two-family zoning districts, all property improvements shall comply with the Chapter 17.12 (District Bulk Regulations) for single-family or two-family uses, depending on the number of units on the property.

Section 3. That Title 6 of the Metropolitan Code is hereby amended by adding the following:

6.28.030 – Short Term Rental Property Permit

A. "Short term rental property (STRP)—Owner-occupied" means an owner-occupied residential dwelling unit containing not more than four sleeping rooms that is used and/or advertised through an online marketplace for rent for transient occupancy by guests.

1. STRP owner-occupied is permitted as an accessory use in all zoning districts that allow residential use excluding NS districts provided a permit has been issued for operation of the property as an STRP pursuant to this section. In IWD, IR and IG, STRP is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan use.

2. Requirements and restrictions.

a. No person or entity shall operate an STRP or advertise a residential property for use as an STRP without the owner of the property first having obtained an STRP permit issued by the department of codes administration in accordance with the provisions of this chapter.

b. Any advertising or description of an STRP on any internet website must: (a) prominently display the permit number for the STRP unit; or (b) include an image of the permit, or a link to an image of the permit, in which the permit number is legible.

c. To qualify for an STRP—owner-occupied permit, the owner of the property shall permanently reside in the STRP or, for conforming uses in single-family and one and two-family zoning districts, the owner shall permanently reside in a residential unit on the same lot. The owner of the property: (1) must be a natural person or persons; (2) may not be a limited liability entity, including without limitation a corporation or limited liability company; and (3) may not be an unincorporated entity, including without limitation a partnership, joint venture, or trust.

d. Only one permit shall be issued per lot in single-family and two-family zoning districts.

e. Ownership of two-family dwellings.

i The property ownership of the two-family units cannot be divided.

ii The two-family units shall be owned by the same person and one of the two units shall be the primary residence of the owner.

iii Prior to the issuance of a permit, an instrument shall be prepared and recorded with the register's office covenanting that the two-family dwelling may only be used under the conditions listed above as long as the STRP—Owner-occupied permit is valid.

f. 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 (d) or (e) of this section if a permit was issued on or before July 1, 2019.

3. Application.

a. STRP permit applications shall be valid for 90 calendar days from the date filed and shall expire if the application process has not been completed within that time.

b. The STRP permit application shall verify by affidavit that all of the information being provided is true and accurate and the application shall include the following information:

i The name, telephone number, address, and email address of the owner and of a person or business ("responsible party") residing or located within 25 miles of the STRP that is responsible for addressing all maintenance and safety concerns;

ii Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than one million dollars per occurrence.

iii Proof of written notification to the owner of each adjacent property prior to filing the application. For each such adjacent property, proof of written notification shall be: (a) a signature of an owner; (b) a signed receipt of U.S. registered or certified mail addressed to an owner; or (c) notice from the U.S. Postal Service that registered or certified mail to an owner was refused or not timely accepted.

iv For owners applying for an owner-occupied permit, two documents giving proof of owner-occupation shall be provided. Each document must be current and show the owner's name and address matching that of the property to be utilized for short term rental. Acceptable documentation includes: (a) Tennessee Driver's license; (b) other valid State of Tennessee identification card; (c) Davidson County voter registration card; (d) current employer verification of residential address or a letter from the employer on company letterhead with original signature. (If the employer does not have letterhead, the signature of the employer must be notarized.); (e) current automobile, life or health insurance policy. (Wallet Cards not accepted); (f) paycheck/check stub, (g) work ID or badge, (h) Internal Revenue Service tax reporting W-2 form; or (i) a bank statement.

v A statement that the applicant has confirmed that operating the proposed STRP would not violate any homeowners 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.

vi 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.

4. Signage. Any sign, as defined in Section 17.32.030.B of the Metropolitan Code, on a property used for an STRP shall be governed by the provision of Chapter 17.32, Sign Regulations, of the Metropolitan Code.

5. Regulations.

a. All STRP occupants shall abide by all applicable noise restrictions and regulations regarding the public peace and welfare contained in the Metropolitan Code, and all applicable waste management provisions of Chapter 10.20 of the Metropolitan Code.

b. The STRP shall meet all applicable requirements of the state and local building and fire safety codes, including, but not limited to, having approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:

i In all sleeping areas.

ii In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

iii In each story within the sleeping unit, including basements.

c. Parking shall be provided as required by Section 17.20.030 of the Metropolitan Code. No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the STRP use.

- d. No food shall be prepared for or served to the transient by the permit holder.
- e. The principal renter of an STRP unit shall be at least 21 years of age.
- f. Maximum occupancy. The maximum number of occupants permitted on an STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit. Advertising an STRP for more occupants than allowed by this regulation shall be grounds for revocation of the permit.
- g. The STRP owner shall not receive any compensation or remuneration to permit occupancy of an STRP for a period of less than twenty-four hours. The maximum stay for any guest shall be thirty consecutive days.
- h. The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls 24 hours a day, seven days a week for the duration of each short term rental period to address problems associated with the STRP.
- i. Expiration and renewal of permit.
 - i An STRP permit shall expire 365 days after it is issued unless it is renewed prior to its expiration.
 - 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 6.28.030.A.3; and
 - (b) The STRP continues to be in full compliance with all applicable laws, including the payment of all applicable taxes.
 - iii For an STRP that has received no documented complaints to metro codes, police, or public works during the most recent permit period, a 30 calendar day grace period for renewal after the expiration of the STRP permit may be allowed by the zoning administrator upon a showing by the owner of a reasonable explanation other than neglect or mistake for the delay.
 - 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 6.28.030.A.3.
- j. The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.
- k. An 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 an STRP on the property.
- l. Denial or Revocation of Permit.

i Upon the filing of a complaint regarding an 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 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 an STRP may be revoked if no appeal rights remain.

iii Before revoking any permit, the department of codes administration shall give the permit holder 15 days written notice of the alleged violation(s) against him/her.

iv Any denial or revocation of an STRP permit may be appealed to the Short Term Rental Appeals Board pursuant to Section 6.28.035.B of the Metropolitan Code.

v Once an STRP permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year.

vi The penalty for operating a short term rental property without a permit shall be:

(1) A fifty dollar fine as imposed by a court of competent jurisdiction. Each day of operation without a permit shall constitute a separate offense.

(2) Upon a determination by the zoning administrator or the zoning administrator's designee that a short term rental property has operated without having obtained a permit, there shall be a waiting period of one year from the date of such determination by the zoning administrator or designee for the property to become eligible for an STRP permit. Upon a determination by the zoning administrator or the zoning administrator's designee that a short term rental property has operated without having renewed a previously issued permit, there shall be a waiting period of six months from the date of such determination by the zoning administrator or designee for the property to become eligible for an STRP permit.

(3) Upon a finding of a court of competent jurisdiction that a short term rental property has operated without a permit, in addition to any other relief granted, there shall be a waiting period of three years from the date of such finding for the property to become eligible for an STRP permit.

B. "Short term rental property (STRP)—Not owner-occupied" means a residential dwelling unit that is not owner-occupied containing not more than four sleeping rooms that is used and/or advertised through an online marketplace for rent for transient occupancy by guests.

1. STRP not owner-occupied is 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.

2. Requirements and restrictions.

a. No person or entity shall operate an STRP or advertise a residential property for use as an STRP without the owner of the property first having obtained an STRP permit issued by the department of codes administration in accordance with the provisions of this chapter.

b. Any advertising or description of an STRP on any internet website must: (a) prominently display the permit number for the STRP unit; or (b) include an image of the permit, or a link to an image of the permit, in which the permit number is legible.

c. In single-family and one and two-family zoning districts, all property improvements shall comply with the Chapter 17.12 (District Bulk Regulations) for single-family or two-family uses, depending on the number of units on the property.

3. Application.

a. STRP permit applications shall be valid for 90 calendar days from the date filed and shall expire if the application process has not been completed within that time.

b. The STRP permit application shall verify by affidavit that all of the information being provided is true and accurate and the application shall include the following information:

i The name, telephone number, address, and email address of the owner and of a person or business ("responsible party") residing or located within 25 miles of the STRP that is responsible for addressing all maintenance and safety concerns;

ii Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than one million dollars per occurrence.

iii Proof of written notification to the owner of each adjacent property prior to filing the application. For each such adjacent property, proof of written notification shall be: (a) a signature of an owner; (b) a signed receipt of U.S. registered or certified mail addressed to an owner; or (c) notice from the U.S. Postal Service that registered or certified mail to an owner was refused or not timely accepted.

iv A statement that the applicant has confirmed that operating the proposed STRP would not violate any homeowners 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.

4. Signage. Any sign, as defined in Section 17.32.030.B of this Zoning Code, on a property used for an STRP shall be governed by the provision of Chapter 17.32, Sign Regulations, of the Metropolitan Code.

5. Regulations.

a. All STRP occupants shall abide by all applicable noise restrictions and regulations regarding the public peace and welfare contained in the Metropolitan Code, and all applicable waste management provisions of Chapter 10.20 of the Metropolitan Code.

b. The STRP shall meet all applicable requirements of the state and local building and fire safety codes, including, but not limited to, having approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:

i In all sleeping areas.

ii In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

- iii In each story within the sleeping unit, including basements.
- c. Parking shall be provided as required by Section 17.20.030. No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the STRP use.
- d. No food shall be prepared for or served to the transient by the permit holder.
- e. The principal renter of an STRP unit shall be at least 21 years of age.
- f. Maximum occupancy. The maximum number of occupants permitted on an STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit. Advertising an STRP for more occupants than allowed by this regulation shall be grounds for revocation of the permit.
- g. The STRP owner shall not receive any compensation or remuneration to permit occupancy of an STRP for a period of less than twenty-four hours. The maximum stay for any guest shall be thirty consecutive days.
- h. The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls 24 hours a day, seven days a week for the duration of each short term rental period to address problems associated with the STRP.
- i. Expiration and renewal of permit.
 - i An STRP permit shall expire 365 days after it is issued unless it is renewed prior to its expiration.
 - 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 a statement verified by affidavit that:
 - (1) includes all of the information required in an application under Section 6.28.030.B.3; and
 - (2) the STRP continues to be in full compliance with all applicable laws, including the payment of all applicable taxes.
 - iii For an STRP that has received no documented complaints to Metro Codes, police, or public works during the most recent permit period, a 30 calendar day grace period for renewal after the expiration of the STRP permit may be allowed by the zoning administrator upon a showing by the owner of a reasonable explanation other than neglect or mistake for the delay.
 - 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 6.28.030.B.3.
- j. The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.
- k. An 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 an STRP on the property.

I. Denial or Revocation of Permit.

i Upon the filing of a complaint regarding an 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 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 an STRP may be revoked if no appeal rights remain.

iii Before revoking any permit, the department of codes administration shall give the permit holder 15 days written notice of the alleged violation(s) against him/her.

iv Any denial or revocation of an STRP permit may be appealed to the Short Term Rental Appeals Board as an administrative appeal pursuant to Section 6.28.035.B. of the Metropolitan Code.

v Once an 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.

vi The penalty for operating a short term rental property without a permit shall be:

(1) A fifty dollar fine as imposed by a court of competent jurisdiction. Each day of operation without a permit shall constitute a separate offense.

(2) Upon a determination by the zoning administrator or the zoning administrator's designee that a short term rental property has operated without having obtained a permit, there shall be a waiting period of one year from the date of such determination by the zoning administrator or designee for the property to become eligible for an STRP permit. Upon a determination by the zoning administrator or the zoning administrator's designee that a short term rental property has operated without having renewed a previously issued permit, there shall be a waiting period of six months from the date of such determination by the zoning administrator or designee for the property to become eligible for an STRP permit.

(3) Upon a finding of a court of competent jurisdiction that a short term rental property has operated without a permit, in addition to any other relief granted, there shall be a waiting period of three years from the date of such finding for the property to become eligible for an STRP permit.

Section 4. That Title 6 of the Metropolitan Code is hereby amended by adding the following:

6.28.035 – Short Term Rental Appeals Board

A. A short term rental (STR) appeal board is created and designated the metropolitan short term rental appeals board.

B. The board shall be staffed by the Department of Codes Administration and shall hear and decide appeals from decisions made by the zoning administrator regarding STR permits whereby it is alleged in writing that the zoning administrator is in error or acted arbitrarily. The board shall have jurisdiction to uphold, reverse, or modify in whole or in part the zoning administrator's decision regarding permit issuance or revocation for all permits eligible for review.

C. The board shall consist of seven members. One member of the seven shall be a member of the Metropolitan Council and shall be selected by that body from its membership to serve as a member of the board for a term of two years. The remaining six members shall be appointed by the mayor and confirmed by a majority vote of the Metropolitan Council and shall each serve terms of four years or until their successors are appointed. Of the remaining six members at least one shall be an attorney.

D. Of the six members first appointed, two shall serve for a term of two years, two for a term of three years, and two for a term of four years.

E. Board members shall annually elect a chair and a vice-chair from among their membership. The vice-chair is authorized to act in the place of the chair and in the same capacity as the chair when the chair is unavailable.

F. The board shall hold regular meetings each month at a time fixed by the board and may hold such special meetings as may be necessary.

G. The attendance of four members of the board shall be required to constitute a quorum for the purpose of transacting business. The concurring vote of at least a majority of those members present at the meeting shall be necessary to uphold, reverse, or modify in whole or in part the decision of the zoning administrator.

H. The board shall promulgate such bylaws, rules and/or regulations not inconsistent with state law, the Metropolitan Charter, or any ordinance as it deems appropriate, for the filing and pursuit of appeals under this chapter (including appropriate limitations periods), for the course of hearings held before them, and for the conducting of its business generally.

Section 5. That Title 5 of the Metropolitan Code is hereby amended by deleting the phrase, "short term rental properties regulated under Title 17" wherein it appears in Section 5.12.060.A(4), and substituting with the phrase, "short term rental properties regulated under Title 6".

Section 56. 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:

Russ Pulley

Courtney Johnston
Members of Council

SUBSTITUTE ORDINANCE NO. BL2020-188

An ordinance amending Metropolitan Code Chapters ~~15.64~~ 13.08, 13.12, and 17.20 to require all new and modified driveways to have an apron to be paved with a hard surface and to prohibit the runoff of gravel into the public rights of way (Proposal No. 2020Z-007TX-001).

~~WHEREAS, gravel washing into the public rights-of-way from rainstorms and general use, onto streets, bike lanes, and sidewalks in public rights-of-way, including streets, bikeways, and sidewalks, due to rain and general use, presents a hazard to pedestrians people walking and cyclists cycling; and~~

~~WHEREAS, gravel runoff over time obstructs stormwater infrastructure, silting in ditches, blocking drains, and polluting streams; and~~

WHEREAS, The Metropolitan Government of Nashville & Davidson County currently does not have regulations in place to prevent gravel runoff or hold those property owners creating this runoff accountable.

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

Section 1. That Metropolitan Code Chapter ~~15.64~~ 13.12 is hereby amended by creating new sections ~~15.64.132 and 15.64.133~~ 13.12.200 as follows:

~~15.64.132~~ 13.12.200 – Driveway Aprons Required.

All driveways constructed or modified to the point of requiring a new driveway authorization application after July 1, 2020 shall have an apron to be paved with a hard surface from the edge of street pavement or the back edge of the sidewalk, if present, to the edge of the right-of-way or 10 feet, whichever is greater. If the distance from the edge of street pavement or back edge of the sidewalk, if present, to the edge of the right-of-way exceeds 10 feet, the Chief Engineer shall have the authority to permit an alternate design. The design and construction of this required apron shall not impede any drainage way.

Section 2. That Metropolitan Code Chapter 13.08 is hereby amended by creating new section 13.08.090 as follows:

~~15.64.133~~ 13.08.090 – Gravel Runoff.

No gravel placed on private property, including as surfacing material for a driveway, shall be allowed to wash or encroach into the public rights-of-way.

Section ~~2~~ 3. That Metropolitan Code Subsection 17.20.060.G is hereby amended by adding the following language to the end:

All private driveways and parking areas shall also conform to the requirements of Section ~~15.64.132~~ 13.12.200.

Section ~~3~~ 4. 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:

Angie Henderson
Member of Council

SUBSTITUTE ORDINANCE NO. BL2020-233

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 MUN-A-NS zoning for properties located at Birch Avenue (unnumbered) and 103 Fern Avenue, at the northeast corner of Birch Avenue and Fern Avenue (0.57 acres), all of which is described herein (Proposal No. 2019Z-090PR-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 MUN-A-NS zoning for properties located at Birch Avenue (unnumbered) and 103 Fern Avenue, at the northeast corner of Birch Avenue and Fern Avenue (0.57 acres), being Property Parcel Nos. 019, 020 as designated on Map 071-14 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 071 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.

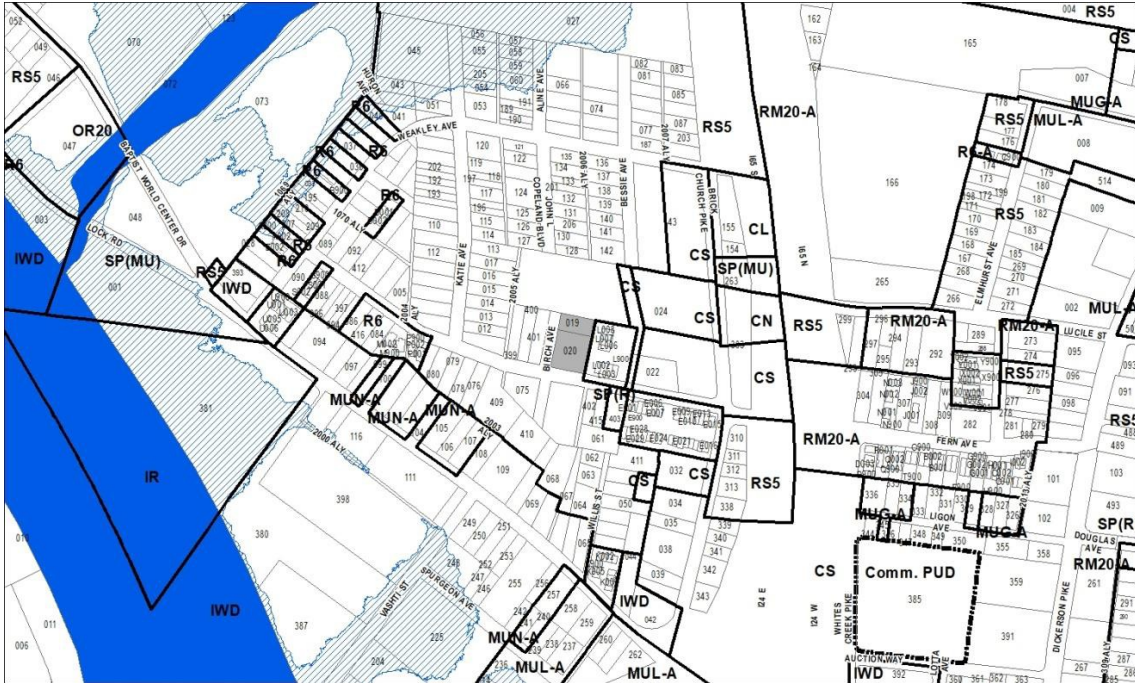
Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Councilmember Kyonzté Toombs

2019Z-090PR-001
Map 071-14, Parcel(s) 019-020
Subarea 03, Bordeaux - Whites Creek - Haynes Trinity District 02
(Hastings)
Application fee paid by: Wamble & Associates, PLLC

A request to rezone from RS5 to MUN-A-NS zoning for properties located at Birch Avenue (unnumbered) and 103 Fern Avenue, at the northeast corner of Birch Avenue and Fern Avenue (0.57 acres), requested by Duane Cuthbertson, applicant; Troy A. Fields and Stephen T. Hannah, owners.



SUBSTITUTE ORDINANCE NO. BL2020-258

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 RS10 to SP zoning for property located at 218 Maplewood Trace, approximately 450 feet east of Hillside Road (3.54 acres), to permit 48 multi-family residential units, all of which is described herein (Proposal No. 2019SP-055-001).

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 RS10 to SP zoning for property located at 218 Maplewood Trace, approximately 450 feet east of Hillside Road (3.54 acres), to permit 48 multi-family residential units, being Property Parcel No. 057 as designated on Map 060-04 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 060 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 48 multi-family units. Short term rental property – owner-occupied and 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 submittal of the final site plan shall meet or exceed the minimum standards of the Major and Collector Street Plan.
2. The corrected plan set shall revise the parking note to only permit short term parking only on street parking for one side of the proposed public street.

Section 4 3. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 5-6. 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 67. 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 RM20 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

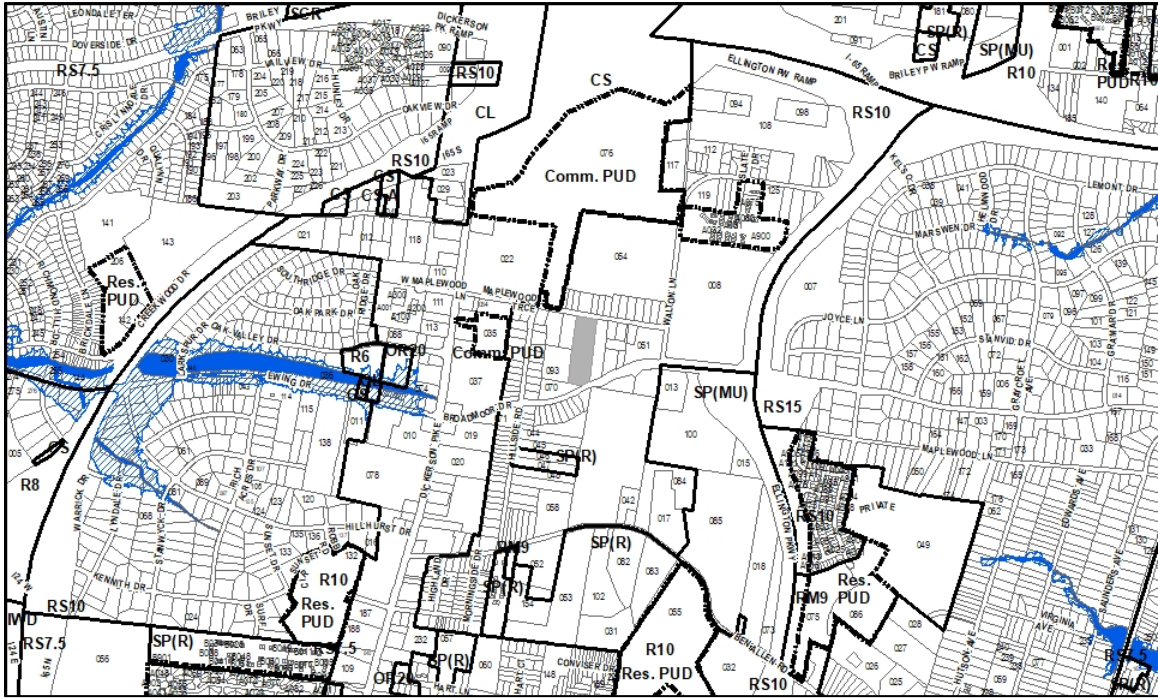
Section 78. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Councilmember Nancy VanReece

2019SP-055-001
218 MAPLEWOOD TRACE
Map 060-04, Parcel(s) 057
Subarea 05, East Nashville
District 08 (VanRheece)
Application fee paid by: Imelda W. Todd Estate

A request to rezone from RS10 to SP zoning for property located at 218 Maplewood Trace, approximately 450 feet east of Hillside Road (3.54 acres), to permit 48 multi-family residential units, requested by Duane Cuthbertson, applicant; Todd Realty, LLC, owner.



**218 MAPLEWOOD TRACE
PRELIMINARY SP
CASE NUMBER : 2019 SP-055-001**



**LOCATION MAP
EXISTING CONDITIONS**
(Not to Scale)

PURPOSE

The Purpose of this SP is to permit a multi-family residential development.

EXISTING SITE DATA

Parcel ID	06004005700
Street Address	218 Maplewood Trace Nashville, TN 37207
Deed of Record	QC-20181119 0113729
Zoning	RS-10
Total Site Area	3.88 Acres

PLANNING CONSULTANT:

Mr. Duane Cuthbertson
1806 Allison Place
Nashville, TN 37203
615-924-9618

DEVELOPMENT SUMMARY

Parcel ID Number	06004005700
Council District	8th
Council Member	Nancy VanReece
Owner	Todd Realty, LLC 4235 Hillsboro Pike, Suite 300 Nashville, Tennessee 37207 (615) 369-3330 Contact: Daniel C. Todd
SP Name	218 Maplewood Trace
SP Number	2019 SP-055-001
Design Professional	James D. Wamble Wamble & Associates, PLLC, 40 Middleton Street Nashville, TN 37210 Phone: (615) 251-9555 email: jdwbable@wambleassociates.com
U.S. FEMA FIRM	Zone "X" Map 47037C0232H April 5th, 2017

INDEX OF SHEETS

<u>SHEET NO.</u>	<u>SHEET TITLE</u>
1	COVER SHEET - EXISTING CONDITIONS
2	SP SITE PLAN
3	SP STREETS, UTILITIES, DRAINAGE & LANDSCAPING



WAMBLE & ASSOCIATES PLLC

Civil Engineering
Land Surveying
Land Planning

40 Middleton Street
Nashville, TN 37210
615.251.9555



REVISIONS:
10-31-19 STAFF REVIEW AND NEIGHBORHOOD MEETING COMMENTS
11-22-19 STAFF REVIEW AND NEIGHBORHOOD MEETING COMMENTS
02-20-20 PUBLIC WORKS COMMENTS

DATE: May 15, 2019

W&A NO.: 955-0118

**218 MAPLEWOOD TRACE
PRELIMINARY
SP PLAN
COVER SHEET &
EXISTING
CONDITIONS
SHEET 1 OF 3**

STANDARD SP NOTES

1. The Purpose of this SP is to permit a residential development containing attached and detached dwellings.
2. All development within the boundaries of this plan meets the requirements of the Americans with Disabilities Act and the Fair Housing Act.
3. The required fire flow shall be determined by the Metropolitan Fire Marshal's office, prior to the issuance of a building permit.
4. 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.
5. If a development standard, not including permitted uses, is absent from the SP and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district for single family units as of the date of the applicable request or application. Uses are limited to the uses specified in the Council ordinance.
6. Boundary and Topographic Information taken from a Boundary & Topographic Survey prepared by Q. Scott Pulliam, RLS dated September 7th, 2018.
7. Waste / Recycling to be collected by private hauler.
8. Building height to be measured per Metro Zoning Code.

**218 MAPLEWOOD TRACE
PRELIMINARY SP**

CASE NUMBER : 2019 SP-055-001

LAND USE COLOR LEGEND

- MULTI-FAMILY RESIDENTIAL DETACHED (5 UNITS)
- MULTI-FAMILY RESIDENTIAL ATTACHED (41 UNITS)
- POCKET PARK or GREEN (OPEN SPACE)
- STORMWATER TREATMENT
- CONCRETE SIDEWALK
- ASPHALT PAVEMENT
- GRASS & LANDSCAPING (OPEN SPACE)

USES ALLOWED

Multi-Family Residential attached or detached

USES PROHIBITED

Not owner occupied short term rentals

BULK STANDARDS

Acreage: 3.88 Total Gross Acreage
Total Dwelling Units: 48 Units
Density: 48 units / 3.88 Acres = 12.37 units per acre

Setbacks:

Front: (20' Min. Broadmoor Drive) (40' Min Maplewood Trace)
Side: 5' Min.
Rear: 20' Min.
Distance between Detached Buildings: 6' Min.
Height of Buildings: 3 stories in 45' Max, unless otherwise noted

Parking

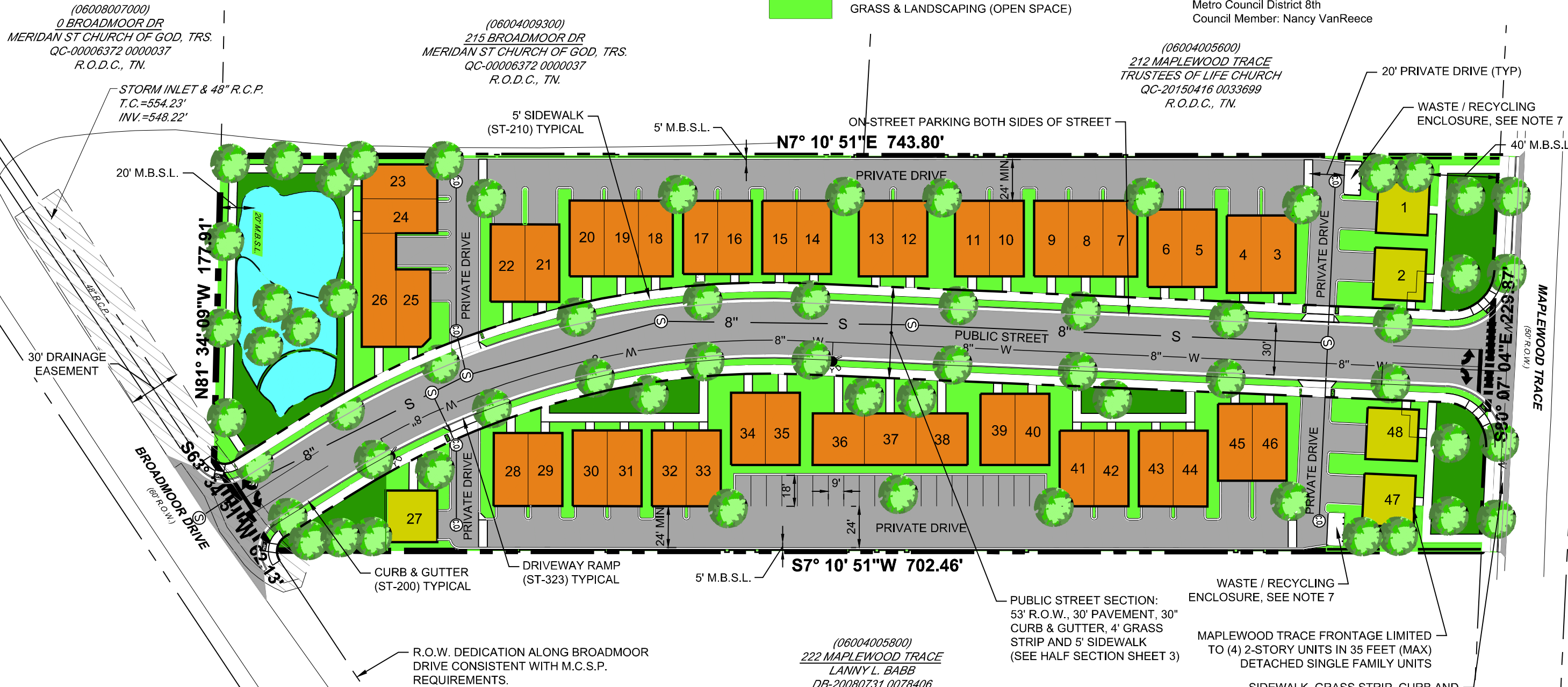
41- two-car garage units = 82 + 19 surface spaces = 101 Spaces Total
Parking Space Ratio = 2.10 Spaces per Unit
On-Street Parking Allowed on Both Sides of New Public Street

MAP / PARCEL

06004005700

COUNCIL DISTRICT

Metro Council District 8th
Council Member: Nancy VanReece



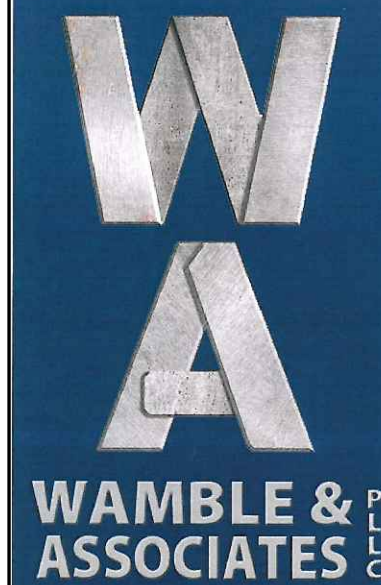
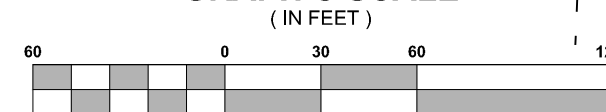
GENERAL PLAN CONSISTENCY NOTE

The Specific Plan proposed is located within subarea #5 of the East Nashville Community Plan. The specified land use policy is Urban Neighborhood Evolving (T4 NE). The primary goal of the T4 NE policy is to create and enhance urban neighborhoods with higher density and additional housing options. As proposed, this Specific Plan will enhance the streetscapes along both Maplewood Trace and Broadmoor Drive by orienting buildings to the street and constructing the necessary infrastructure including sidewalks and providing landscaping. Additionally, the Specific Plan proposed is limited to a density that is within an supportable range provided by the T4 NE policy. The Specific Plan will also provide for connectivity between Broadmoor Drive and Maplewood Trace as well as future connectivity to adjacent property.

ARCHITECTURAL STANDARDS

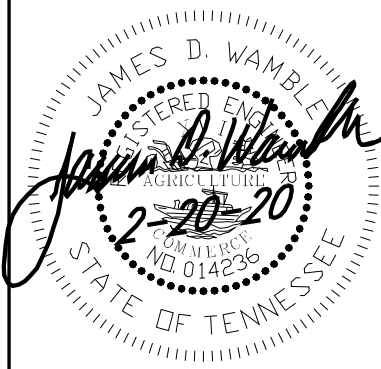
1. Building facades fronting a street or common open landscaped space shall provide a minimum of one principal entrance and a minimum of 25% glazing.
2. Windows shall be vertically oriented at a ratio of 2:1 or greater, except for dormers.
3. EIFS, Vinyl siding and Untreated wood shall be prohibited.
4. Porches on front facades shall provide a minimum of six feet depth.
5. Finished ground floors and porches shall be elevated a minimum of 18" and a maximum of 36" from the abutting average ground elevation for all units.
6. All unit dimensions shown are approximate and my change with final architecture design.
7. Building elevations required with final SP submittal.

GRAPHIC SCALE



WAMBLE & ASSOCIATES
Civil Engineering
Land Surveying
Land Planning

40 Middleton Street
Nashville, TN 37210
615.251.9555



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11-22-19 STAFF REVIEW AND NEIGHBORHOOD MEETING COMMENTS
02-20-20 PUBLIC WORKS COMMENTS

DATE: May 15, 2019
W&A NO.: 955-0118

**218 MAPLEWOOD TRACE
PRELIMINARY
SP PLAN**

**SITE PLAN
SHEET 2 OF 3**

WATER AND SEWER NOTES

1. All water and sewer construction shall be in accordance with specifications and standard details of the Metro Water Services.
2. All water meters shall be a minimum of 24" below finished grade and not to exceed a maximum of 28" below finished grade.
3. Pressure regulating devices will be required on the customer side of the meter when pressures exceed 100 psi.
4. Pressure regulating devices will be required on the street side of the meter when pressures exceed 150 psi.
5. Individual water and/or sanitary sewer service lines are required for each unit.
6. Fire hydrants shall be located in such a manner that any portion of a building shall be no further than 500 feet from a fire hydrant as measured via a hard surface road - not a direct line from a hydrant. Locations that meet this requirement will be shown on Final Site Plans for approval by the Metro Fire Marshals Office.

PUBLIC WORKS NOTES

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
2. Existing and proposed utilities, signs, power poles, should be shown on the site plan and should not be located within the proposed sidewalk.
3. The developer's final construction drawings shall comply with the findings of a Traffic Impact Study prepared by Fischbach Transportation Group, LLC, Dated January 2020.

**218 MAPLEWOOD TRACE
PRELIMINARY SP
CASE NUMBER : 2019 SP-055-001**

LAND USE COLOR LEGEND

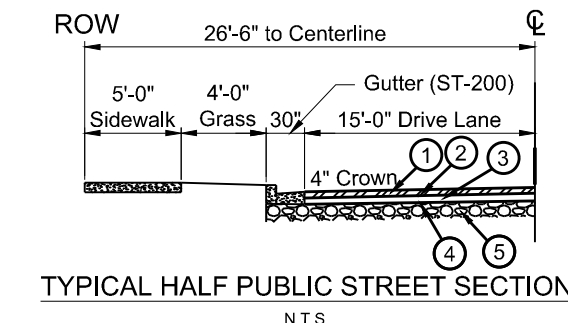
- MULTI-FAMILY RESIDENTIAL DETACHED (5 UNITS)
- MULTI-FAMILY RESIDENTIAL ATTACHED (41 UNITS)
- POCKET PARK or GREEN (OPEN SPACE)
- STORMWATER TREATMENT
- CONCRETE SIDEWALK
- ASPHALT PAVEMENT
- GRASS & LANDSCAPING (OPEN SPACE)

LANDSCAPING LEGEND

- PROPOSED TREE
- PROPOSED SHURB

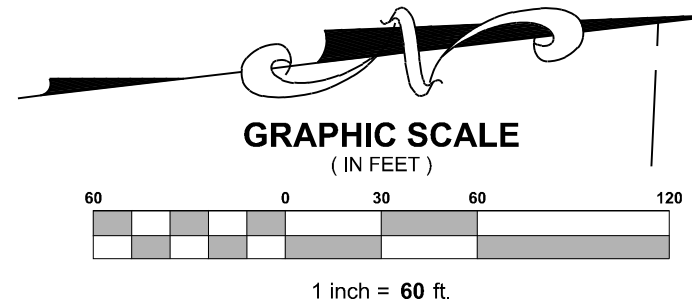
STORMWATER NOTES

1. The proposed method for the collection, discharge and treatment of on-site stormwater will be primarily street inlets and pipes to convey the run-off to an on-site Level 2 bioretention area and dry detention pond that will provide quantity detention and quality treatment in accordance with the Stormwater Management Manual Volume 5 LID.
2. Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with Stormwater Management Ordinance No. 78-840 & approved by the Metropolitan Department of Water Services.
3. Size driveway culverts per the design criteria set forth by the Metro Stormwater Manual (minimum driveway culvert in Metro right of way is 15" cmp).
4. Metro Water Services shall be provided sufficient & unencumbered ingress & egress at all times in order to maintain, repair, replace & inspect any stormwater facilities within the property.
5. This property is located within an area designated as "Zone X", areas determined to be outside 500-year flood plain, as noted on Flood Insurance Rate Map Number 47037C0232H, dated April 5th, 2017.
6. The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.)
7. This drawing is for illustration purpose, as it pertains to stormwater, to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application



- 1 1-1/2" ASPHALTIC CONCRETE SURFACE (411D)
- 2 TACK COAT (SS-1)
- 3 2" BITUMINOUS BINDER (B-M2)
- 4 PRIME COAT (RS-2)
- 5 8" STONE (GRADING D PUG MILL MIX)

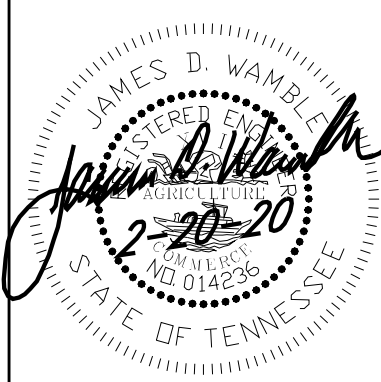
(06004005800)
222 MAPLEWOOD TRACE
LANNY L. BABB
DB-20080731 0078406
R.O.D.C., TN.



WAMBLE & ASSOCIATES P.L.L.C.

Civil Engineering
Land Surveying
Land Planning

40 Middleton Street
Nashville, TN 37210
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REVISIONS:
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11-22-19 STAFF REVIEW AND NEIGHBORHOOD MEETING COMMENTS
02-20-20 PUBLIC WORKS COMMENTS

DATE: May 15, 2019
W&A NO.: 955-0118

**218 MAPLEWOOD TRACE
PRELIMINARY
SP PLAN
STREETS, UTILITIES,
DRAINAGE
& LANDSCAPING
SHEET 3 OF 3**

SUBSTITUTE ORDINANCE NO. BL2020-268

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 RM20-A-NS zoning for properties located at 139C and 139D Elmhurst Avenue, approximately 400 feet north of Lucile Street (0.18 acres), all of which is described herein (Proposal No. 2020Z-030PR-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 RM20-A-NS zoning for properties located at 139C and 139D Elmhurst Avenue, approximately 400 feet north of Lucile Street (0.18 acres), being Property Parcel Nos. 172, 199 as designated on Map 071-10 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 071 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.

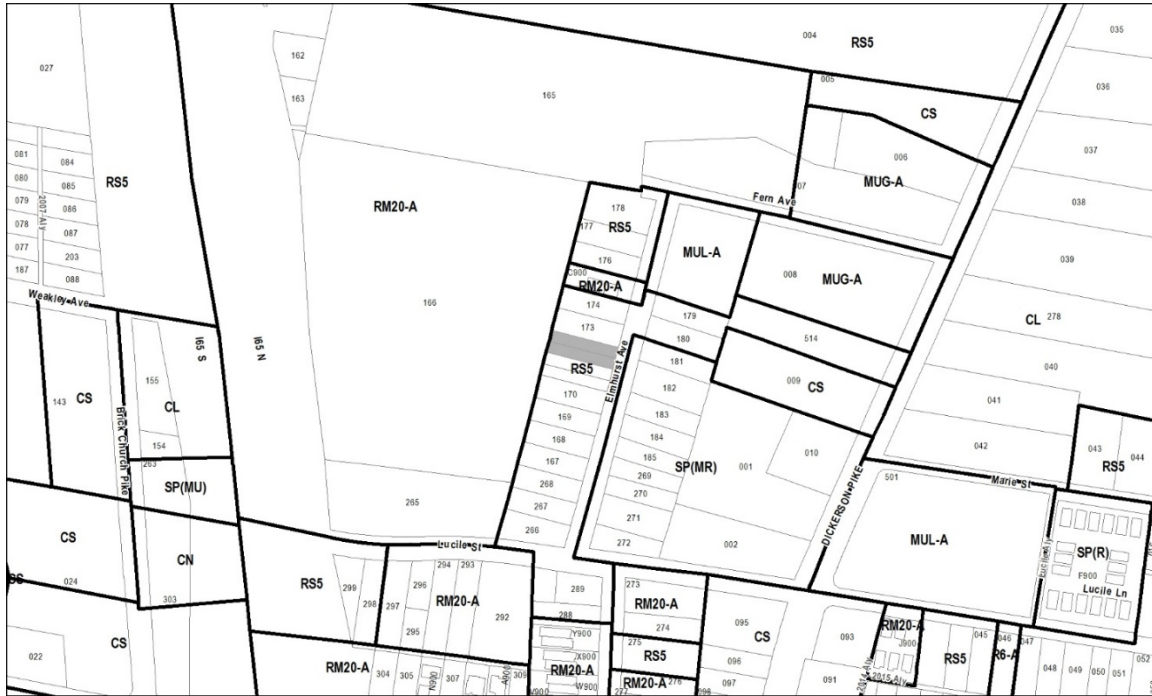
Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Councilmember Sean Parker

2020Z-030PR-001
Map 071-10, Parcel(s) 172, 199
Subarea 05, East Nashville
District 05 (Parker)
Application fee paid by: Twenty Holdings LLC

A request to rezone from RS5 to RM20-A-NS zoning for properties located at 139C and 139D Elmhurst Avenue, approximately 400 feet north of Lucile Street (0.18 acres), requested by Smith Gee Studio, applicant; Twenty Holdings, LLC, owner.



SUBSTITUTE ORDINANCE NO. BL2020-271

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 MUL-A-NS zoning for properties located at 102 Duke Street, 2301, and 2309 Dickerson Pike, at the southeast corner of Duke Street and Dickerson Pike (1.58 acres), all of which is described herein (Proposal No. 2020Z-041PR-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 MUL-A-NS zoning for properties located at 102 Duke Street, 2301, and 2309 Dickerson Pike, at the southeast corner of Duke Street and Dickerson Pike (1.58 acres), being Property Parcel Nos. 088, 121, 265 as designated on Map 071-07 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 071 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 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:

Councilmember Sean Parker

SUBSTITUTE RESOLUTION NO. RS2020-291

A resolution appropriating to certain accounts for the benefit of the Metropolitan Nashville Fire Department, State Fair, District Attorney’s Office, General Services Department, Public Defender’s Office, and Municipal Auditorium Three Million Nine Hundred Ninety Million One Hundred Dollars (\$3,990,100) ~~Three Million Nine Hundred Forty One Thousand Six Hundred Dollars (\$3,941,600)~~ and reducing appropriations for Tax Increment Payments to the Metropolitan Development and Housing Agency in the amount of Three Million One Hundred Eighty Seven Thousand Three Hundred Dollars (\$3,187,300) ~~Three Million One Hundred Thirty Eight Thousand Eight Hundred Dollars (\$3,138,800)~~.

WHEREAS, A resolution appropriating to certain accounts for the benefit of the Metropolitan Nashville Fire Department, State Fair, District Attorney’s Office, General Services Department, Public Defender’s Office, and Municipal Auditorium Three Million Nine Hundred Ninety Million One Hundred Dollars (\$3,990,100) ~~Three Million Nine Hundred Forty One Thousand Six Hundred Dollars (\$3,941,600)~~, from reduced appropriations in the GSD General Fund, the USD General Fund, undesignated fund balances of the General Services Office of Fleet Management, and undesignated fund balances of the Municipal Auditorium; and

WHEREAS, the Metropolitan Council passed RS2020-237 on March 5, 2020, approving the refinancing of ten Tax Increment Finance loans effectively reducing the amount of tax increment payments and creating an unencumbered balance in the appropriation from the GSD General Fund for Tax Increment Payments to the Metropolitan Development and Housing Agency in the amount of Two Million One Hundred Eighty Seven Thousand Three Hundred Dollars (\$2,187,300) ~~Two Million One Hundred Thirty Eight Thousand Eight Hundred Dollars (\$2,138,800)~~ and from the USD General Fund for Tax Increment Payments to the Metropolitan Development and Housing Agency in the amount of One Million Dollars (\$1,000,000).

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

Section 1: That the following amounts from reduced appropriation of the General Fund of the General Services District are hereby appropriated:

PRIMARY EXPENDITURE ACCOUNT #	ACCOUNT DESCRIPTION	AMOUNT
32115410.501104	Fire Department - Overtime	\$300,000
32114510.503400	Fire Department - Medical Supplies	400,000
01101646.531180	Administrative – State Fair Subsidy	1,374,200
19101000.501101	District Attorney - Body Worn Camera Personnel	40,600
19101000.503100	District Attorney - Body Worn Camera Supplies	500
19101000.531400	District Attorney - Local Grant Match	23,500
<u>21101500.59002</u>	<u>Public Defender – Non-Allocated</u>	<u>\$48,500</u>
	TOTAL	\$2,138,730

Section 2: That the appropriations in Section 1 are funded from the following reduced appropriation:

PRIMARY EXPENDITURE ACCOUNT #	ACCOUNT DESCRIPTION	AMOUNT
01101998.502611	Administrative - MDHA TIF (GSD)	(\$2,138,830)
	TOTAL	(\$2,138,830)

Section 3: That the following amounts from reduced appropriation of the General Fund of the Urban Services District are hereby appropriated:

PRIMARY EXPENDITURE ACCOUNT #	ACCOUNT DESCRIPTION	AMOUNT
32195510.501104	Fire Department - Overtime	\$410,000
32194510.503640	Fire Department - Safety Supply	590,000
	TOTAL	\$1,000,000

Section 4: That the appropriations in Section 3 are funded from the following reduced appropriation:

PRIMARY EXPENDITURE ACCOUNT #	ACCOUNT DESCRIPTION	AMOUNT
01191998.502611	Administrative - MDHA TIF (USD)	(\$1,000,000)
	TOTAL	(\$1,000,000)

Section 5: That the following amount from the Undesignated Fund Balance of the General Services Office of Fleet Management is hereby appropriated:

PRIMARY EXPENDITURE ACCOUNT #	ACCOUNT DESCRIPTION	AMOUNT
10510010.502930	General Services Office of Fleet Management - Automotive Repair	\$750,000
	TOTAL	\$750,000

Section 6: That the appropriation in Section 5 is funded from the following source:

PRIMARY ACCOUNT #	ACCOUNT DESCRIPTION	AMOUNT
51154.335000	General Services Office of Fleet Management - Undesignated Fund Balance	\$750,000
	TOTAL	\$750,000

Section 7: That the following amount from the Undesignated Fund Balance of the Municipal Auditorium Fund is hereby appropriated:

PRIMARY EXPENDITURE ACCOUNT #	ACCOUNT DESCRIPTION	AMOUNT
61501510.502920	Municipal Auditorium - Repairs	\$52,800
	TOTAL	\$52,800

Section 8: That the appropriation in Section 7 is funded from the following source:

PRIMARY ACCOUNT #	ACCOUNT DESCRIPTION	AMOUNT
60161.335000	Municipal Auditorium - Undesignated Fund Balance	\$52,800
	TOTAL	\$52,800

Section 9: That this resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED FOR PROPER BUDGET PROCEDURES:

INTRODUCED BY:

 Kim McDoniel
 Budget Officer

 Bob Mendes

APPROVED AS TO SUFFICIENCY AND AVAILABILITY OF FUNDS:

 Members of Council

 Kevin Crumbo
 Director of Finance

APPROVED AS TO FORM AND LEGALITY:

 Assistant Metropolitan Attorney

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-147

Mr. President –

I hereby move to amend Ordinance No. BL2020-147 as follows:

I. By amending Section 1 by deleting proposed Section 2.196.090, subsection C, in its entirety and substituting in lieu the following:

C. Action of the board:

1. If, after a hearing, the board decides that a person, lobbyist or client of a lobbyist violated the procedures set forth in this chapter, then the board shall take one or more of the following actions, as decided by affirmative vote of at least four of its members:
 - a. ~~Recommend to the metropolitan clerk that a fine be imposed of up to fifty dollars per day, per violation;~~
 - b. Recommend to the metropolitan clerk that the registration of the lobbyist be suspended or that a person be prohibited from registering as a lobbyist for a period of up to two years;
 - c. Refer the matter to the district attorney general for appropriate action; and/or,
 - d. Refer the matter to the director of law with a request that appropriate civil action be instituted by the metropolitan government for restitution or other relief.

II. By amending Section 1 by deleting proposed Section 2.196.110 in its entirety and substituting in lieu thereof the following:

2.196.110 - Violation—Penalty.

Any violation of this chapter may be punished by a fine of up to fifty dollars per day per violation and/or the prohibition from registration, or suspension of a current registration, for a period not to exceed two years. The metropolitan clerk shall act to ~~fine and/or~~ prohibit or suspend registration upon recommendation by the council board of ethical conduct following the procedures set forth in section 2.196.085.

SPONSORED BY:

Kathleen Murphy
Member of Council

SUBSTITUTE ORDINANCE NO. BL2020-236

An ordinance to amend ~~Chapter 15.64~~ Sections 16.04.150 and 16.28.230 of the Metropolitan Code of Laws regarding work time restrictions for grading permits.

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

Section 1. That ~~Chapter 15.64 16.04.150~~ of the Metropolitan Code of Laws is hereby amended by creating a new Section 15.64.115 deleting the section in its entirety and replacing it as follows:

~~15.64.115 — Work on Sunday. Work between certain hours.~~

~~A. No person may perform work pursuant to a grading permit between the hours of twelve midnight Saturday night and twelve midnight Sunday night, except by special permission granted by the stormwater division of the department of water and sewerage services.~~

~~B. Within or adjacent to a residential zone district, no person may perform work pursuant to a grading permit between the hours of nine p.m. and six a.m.~~

16.04.150 - Work on Sunday—Special permit required.

No contractor, builder, workman, laborer, or person other than a homeowner/resident working on his or her own residence shall do or perform any work or labor on any building or structure or part thereof or perform any work pursuant to a grading permit issued pursuant to Chapter 15.64 between the hours of twelve midnight Saturday night and twelve midnight Sunday night, except by special permission of the director of codes administration. Special permits may be issued only in cases of emergency and shall be valid only for the date stamped thereon and shall be posted in a conspicuous place on the premises during the performance of such emergency work. The director shall notify the department of metropolitan police of all emergency permits issued.

Section 1. That ~~Chapter 15.64 Section 16.28.230~~ of the Metropolitan Code of Laws is further amended by creating a new Section 15.64.115 deleting the section in its entirety and replacing it as follows:

~~15.64.117 — Approved permit and working hours signs — Posted at premises.~~

~~A project information sign shall be posted at all project sites, excluding public infrastructure projects, in English and Spanish, for all projects requiring a grading permit. The sign shall include a phone number for the project applicant, as well as a phone number to file complaints with the stormwater division of the metropolitan department of water and sewerage services. One double-sided 24" (vertical) × 36" (horizontal) sign shall be posted for every fifty feet of site frontage, with no more than three signs required per street frontage containing the appropriate set of information:~~

~~1. For project sites located within or adjacent to a residential zone district: "No work is allowed to be performed on this site between the hours of 12:00 midnight Saturday night and 12:00 midnight Sunday night, unless a special permit issued by the stormwater division of the department of water and sewerage services is posted in a conspicuous place on these premises. No work is allowed in or beside residential districts between 9:00 p.m. and 6:00 a.m."~~

~~2. For all other project sites: "No work is allowed to be performed on this site between the hours of 12:00 midnight Saturday night and 12:00 midnight Sunday night, unless a special permit issued by the stormwater division of the department of water and sewerage services is posted in a conspicuous place on these premises."~~

16.28.230 - Approved permits and construction hours signs—Posted at premises.

- A. Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted the building permit card in a conspicuous place on the front of the premises. The permit shall be protected from the weather and in such position as to permit the director of codes administration to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy required by this chapter has been issued by the director.
- B. A project information sign shall be posted at all project sites, excluding public infrastructure projects, in English and Spanish, for all projects requiring a building permit or a grading permit issued pursuant to Chapter 15.64. The sign shall include a phone number for the project applicant, as well as a phone number to file complaints with the Metropolitan Codes Department. One double-sided 24" (vertical) × 36" (horizontal) sign shall be posted for every fifty feet of site frontage, with no more than three signs required per street frontage containing the appropriate set of information:
1. For project sites located within or adjacent to a residential zone district, excluding permits obtained by the homeowner/resident working on his or her own residence: "No work is allowed to be performed on this site between the hours of 12:00 midnight Saturday night and 12:00 midnight Sunday night, unless a special permit issued by the director of codes administration is posted in a conspicuous place on these premises. No noise in excess of 70 Db(a) shall be emitted from construction equipment in or beside residential districts between 9:00 p.m. and 6:00 a.m."
 2. For all other project sites, excluding permits obtained by the homeowner/resident working on his or her own residence: "No work is allowed to be performed on this site between the hours of 12:00 midnight Saturday night and 12:00 midnight Sunday night, unless a special permit issued by the director of codes administration is posted in a conspicuous place on these premises."

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

SPONSORED BY:

Colby Sledge
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-285

Mr. President –

I hereby move to amend Ordinance No. BL2020-285 by adding the following at the end of Section 1:

“Cloth face coverings required by this ordinance shall comply with guidance from the Centers for Disease Control and Protection, including the following:

- fit snugly but comfortably against the side of the face
- be secured with ties or ear loops
- include multiple layers of fabric
- allow for breathing without restriction
- be able to be laundered and machine dried without damage or change to shape”

INTRODUCED BY:

Nancy VanReece
Member of Council

AMENDMENT NO. 1

TO

SUBSTITUTE ORDINANCE NO. BL2019-78

Mr. President:

I move to amend Substitute Ordinance No. BL2019-78 as follows:

1. By add the following subsection iii to Section 1, proposed Section 17.16.070.U.1.d:
iii. Notwithstanding subsection U.1.d.i, the distance requirement shall not apply to properties in the DTC.

INTRODUCED BY:

Burkley Allen
Member of Council

AMENDMENT NO. 2
TO
SUBSTITUTE ORDINANCE NO. BL2019-78

Mr. President –

I hereby move to amend Substitute Ordinance No. BL2019-78 by deleting Section 2 in its entirety and replacing it with the following:

Section 2. This Ordinance shall take effect ~~from and after its passage~~ January 1, 2022, and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Brett Withers

Burkley Allen
Members of Council

AMENDMENT NO. 3
TO
SUBSTITUTE ORDINANCE NO. BL2019-78

Mr. President –

I hereby move to amend Substitute Ordinance No. BL2019-78, Section 1, proposed Section 17.16.070.U.1.d by adding a new subsection iii as follows:

iii. This subsection U.1.d shall not apply to the following:

A. Parcels fronting an “arterial-boulevard”, as designated in the major and collector street plan.

B. Parcels that are not adjacent to two or more residentially zoned parcels.

SPONSORED BY:

Brett Withers
Member of Council

AMENDMENT NO. 4
TO
SUBSTITUTE ORDINANCE NO. BL2019-78

Mr. President –

I hereby move to amend Substitute Ordinance No. BL2019-78 by deleting Section 1 in its entirety and replacing it with the following:

Section 1. That Section 17.16.070 of the Metropolitan Code, the Zoning Ordinance for the Metropolitan Government of Nashville and Davidson County, is hereby amended by adding the following provisions as subsection U.1.d:

“d. Minimum distance requirements

i. No new STRP permit shall be issued to an applicant whose location is less than one hundred feet from ~~a religious institution~~, a school or its playground, a park, or a licensed day care center or its playground. Distances shall be measured in a straight line from the parcel line of the property for which a STRP is sought to the closest point of the parcel line of the property on which the ~~religious institution~~, school or its playground, park, or licensed daycare center or its playground is located.

ii. Notwithstanding subsection U.1.d.i of this section, a STRP permit applicant may be exempt from the minimum distance requirements set forth herein upon the adoption of a resolution, after a public hearing, by the metropolitan council receiving 21 affirmative votes approving the exemption of the STRP unit from said minimum distance requirements. The department of codes administration shall notify the councilmember for the district in which the applicant unit is located in writing within five business days from the date the application is filed requesting the waiver of distance requirements. The public hearing required by this subsection shall be conducted by the council at a regular meeting of the council. Public notification of the hearing shall be conducted pursuant to the public notification requirements for amendments to the official zoning map in accordance with Article XV of Chapter 17.40 of the metropolitan code, provided that notice by mail shall be sent to all property owners within 600 feet of the unit seeking the exemption from the minimum distance requirements not later than 14 days prior to the scheduled public hearing on the resolution. Further, a public notice sign meeting the general requirements of Section 17.40.730 of the metropolitan code shall be posted on the property of the applicant seeking the exemption from the minimum distance requirements at least 14 days prior to the scheduled public hearing. The costs for the public notification requirements shall be paid by the applicant. The applicant shall coordinate the scheduling of the public hearing with the metropolitan clerk's office prior to the filing of the resolution for purposes of including the date and time of the public hearing in the public notice to be mailed.”

SPONSORED BY:

Brett Withers
Member of Council

SUBSTITUTE ORDINANCE NO. BL2020-117

An Ordinance to amend Section 17.20.040 of the Metropolitan Code of Laws relative to parking requirements on multimodal corridors (Proposal No. 2020Z-004TX-001).

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

Section 1. That Section 17.20.040 of the Metropolitan Code is hereby amended by adding the following new Subsection G:

G. Within the Urban Zoning Overlay, no parking shall be required for uses located on multimodal corridors, as designated in the major and collector street plan. This exemption applies only to uses located on a lot or parcel having a majority of its frontage on the multimodal corridor.

Section 2. That this Ordinance shall take effect immediately after its passage and that 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:

Colby Sledge

Freddie O'Connell
Members of Council