

SUBSTITUTE ORDINANCE NO. BL2023-2010

An ordinance amending Metropolitan Code of Laws Section 17.20.140 regarding access management studies (Proposal No. 2023Z-004TX-001).

WHEREAS, the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) has collaborated with a variety of stakeholders including ULI, Walk Bike Nashville, NAIOP, TDOT, local traffic consultants, the Traffic and Parking Commission, the Mayor's Office, Metro Planning Department, Metro Legal, and Metro ITS regarding access management studies, and seeks to amend Section 17.20.140 of the Metropolitan Code of Laws as set forth in this ordinance to support its mission of unifying NDOT's and the Metropolitan Government of Nashville and Davidson County's transportation goals through the modernization of the development review process; and,

WHEREAS, NDOT has leveraged up-to-date industry research, peer city best practices, and technical standards from leading professional organizations such as ITE, NACTO, and FHWA, to develop transportation analysis guidance that supports a connected and safe multimodal network; and,

WHEREAS, NDOT needs tools to effectively mitigate the impacts of new development through the implementation of projects that improve public safety, increase access to goods and services, and support the buildout of an efficient multimodal transportation network; and,

WHEREAS, NDOT has proposed this ordinance to ensure the associated multimodal transportation analysis guidelines are consistent with ~~current plans, policies, and strategies~~ Metro Nashville Transportation Plan, WalknBike Nashville, Vision Zero, Metro Code Updates (2017), Access 2040, and Nashville Next adopted by NDOT and other Metro Departments; and,

WHEREAS, this updated development review process will enable NDOT to analyze traffic operations, multimodal mobility, and the safety of all roadway users, so as to inform the selection of effective improvements that serve transportation needs of local communities and Davidson County as a whole.

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

Section 1. That Metropolitan Code of Laws subsection 17.20.140 is hereby amended by deleting it in its entirety and replacing it with the following:

17.20.140 - Multimodal Transportation Analysis.

- A. The purpose of a multimodal transportation analysis is to evaluate the impact of a proposed development on the safety, operations, and condition of the adjacent transportation network, and to identify what transportation mitigations, if any, are necessary to offset the impact caused by additional trips generated by the proposed development.
  1. Elements of the adjacent transportation network to be evaluated may include intersection operational performance, multimodal connectivity, and safety of the transportation network for all road users.
  2. Transportation mitigations may include, but are not limited to, the provision of roadway traffic operations and capacity facilities; modifications to the roadway network that increase safety; micromobility enhancements; the addition or enhancement of bicycle, pedestrian, and transit facilities; and/or development of

programs to encourage an appropriate mix of travel modes and complete streets where appropriate.

- B. Requirements for a multimodal transportation analysis. A multimodal transportation analysis shall be required by the Planning Department for applications to the Metropolitan Planning Commission (MPC) or the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) for all other development which contains:
1. Residential developments with more than seventy-five dwelling units; or
  2. Nonresidential developments of more than fifty thousand square feet; or
  3. Combinations of residential and nonresidential uses expected to generate seven hundred fifty trips or more per day, or one hundred or more peak-hour trips; or
  4. In the opinion of NDOT, a multimodal transportation analysis is needed for developments not meeting the above thresholds.
  5. ~~NDOT shall set requirements for the level of analysis, modes considered, and analysis methodology for applicants meeting any of the above thresholds.~~

NDOT shall set requirements for the level of analysis, modes of transportation considered, and analysis methodology for applicants meeting any of the above thresholds.

C. Levels of multimodal transportation analysis required.

1. Level 1. A level 1 multimodal transportation analysis is required for smaller scale projects that are not anticipated to have a significant impact on the overall transportation system but will have impacts at the site access.
  - a. A Level 1 multimodal transportation analysis shall be required in cases where the proposed development will create a through connection between collector roadways and/or roadways of greater functional classification based on ~~Metro Classification~~ the Major and Collector Street Plan.
  - b. The project access points to public roadways, public alleys, private driveways, and joint access easements will be evaluated, and this includes those locations that the Planning Department or NDOT ~~feels~~ determines are necessary to provide for an adequate review of the proposed project's impact.
  - c. The multimodal infrastructure and the safety of all modes of transportation in the vicinity of the project will also be analyzed as part of a Level 1 analysis.
2. Level 2. A level 2 multimodal transportation analysis is required for larger scale development projects that are anticipated to have a significant transportation impact on the overall transportation system. A level 2 multimodal transportation analysis will evaluate impacts at site access points and appropriate nearby intersections as well as impacts to the multimodal transportation network and safety for all modes of transportation. ~~a modified level 1 multimodal transportation analysis containing reduced analysis requirements for vehicular, bike, transit, and/or pedestrian modes based on development characteristics and area context.~~
  - a. ~~The purpose of a A level 2 multimodal transportation analysis~~ will include an analysis of the project's access points, all roadways serving the project;

and, all intersections up to the first collector roadway, or the first roadway of higher functional classification, and the intersections of these roadways with arterial roadways based on the Major and Collector Street Plan. is to adapt study requirements to the transportation needs of the area adjacent to a development and minimize analysis that may be redundant or trivial.

~~b. A level 2 multimodal transportation analysis may be granted by NDOT on a case by case basis. The property owner or their representative shall provide sufficient justification with a request to conduct a level 2 multimodal transportation analysis.~~

b. e. Elements that may be considered by NDOT during review of a level 2 multimodal transportation analysis request include parking supply, existing or planned multimodal infrastructure adjacent to the development, proximity to transit, population density of the area adjacent to the development, and traffic congestion.

c. The study area includes intersections and transportation facilities that the Planning Department and NDOT determine are necessary to provide for an adequate review of the proposed project's impacts.

~~3. Level 3. A level 3 multimodal transportation analysis evaluates impacts at site access points and appropriate nearby intersections as well as impacts to the multimodal network and safety for all modes.~~

~~a. The study parameters include an analysis of the project's access points, an analysis of all roadways serving the project, an analysis of all intersections up to the first collector roadway or the first roadway of higher functional classification, and the intersections of these roadways with arterial roadways based on Metro classification.~~

~~b. This includes those intersections that the Planning Department and NDOT feel are necessary to provide for an adequate review of the proposed project's impacts.~~

D. **Rezoning Analysis.** The purpose of a rezoning analysis is to analyze the capacity of the existing transportation system to accommodate potential new development in the absence of mitigation measures.

1. A rezoning analysis compares the typical and maximum potential trip generation of representative uses permitted in the existing zoning with the typical and maximum representative uses permitted under the requested zoning or through design-based districts.

2. Completing a rezoning analysis does not preclude the need to complete a more thorough multimodal transportation analysis upon submission of development plans for the subject property(s) and/or requests for the issuance of permits for construction.

3. Specific mitigation measures will be identified through the detailed multimodal transportation analysis process.

E. Multimodal Transportation Analysis Scoping. Upon determination that a new development meets the threshold for a multimodal transportation analysis, the applicant must contact NDOT and submit a Scoping Evaluation Form for review. The purpose of the form is to

provide NDOT with basic information about a new development, set analysis parameters, and guide the applicant through a preliminary assessment of the transportation network within the study area. NDOT shall review and provide comments or approval of a submitted scoping document within ten business days of submittal.

EF. Phased Development.

1. If a development is phased, the sequence and timing of a development shall be incorporated into the multimodal transportation analysis.
2. An overall multimodal transportation analysis may be required with additional analysis for individual phases of construction.
3. Completing a multimodal transportation analysis for one phase of development does not preclude the need to complete additional analysis upon submission of development plans for the subject property(s) and/or requests for the issuance of permits for construction.

FG. Waiver of a multimodal transportation analysis. A property owner or their representative who demonstrates that a development will not have a significant impact on the transportation system may request a waiver of a multimodal transportation analysis.

1. A request to waive a multimodal transportation analysis shall be made by a property owner or their representative in writing to NDOT and for applications to the ~~p~~Planning ~~e~~Commission, the ~~p~~Planning ~~d~~Department. Sufficient documentation shall be included that supports the waiver request.
2. A copy of the request to waive a multimodal transportation analysis shall concurrently be sent by the property owner or their representative to the member(s) of the metropolitan council in whose district(s) the development is located.
3. NDOT will make a decision on the waiver request within fifteen business days, and for applications to the ~~p~~Planning ~~e~~Commission, will consider a recommendation from the ~~p~~Planning ~~d~~Department.

GH. Approval of multimodal transportation analysis.

1. If a multimodal transportation analysis is required ~~for a submitted planning application, t~~ per Subsection B above, the multimodal transportation analysis and transportation mitigation strategies should be reviewed and approved by NDOT prior to the Planning Commission review. The Planning Department may recommend deferral as a staff recommendation to the Planning Commission for applications without an approved multimodal transportation analysis.
2. The multimodal transportation analysis shall be approved by NDOT and, for applications to the ~~p~~Planning ~~e~~Commission, the ~~p~~Planning ~~d~~Department, with all applicable performance requirements incorporated into any site and building plans.
3. NDOT shall review and provide comments or approval of a submitted multimodal transportation analysis within twenty business days of submittal.

HI. Applicability of a multimodal transportation analysis. A previously approved multimodal transportation analysis may require revision if the following criteria are met:

1. Zoning approval or permit approval not obtained within 60 months (five years) of multimodal transportation analysis approval; or
2. Changes in access points from proposed development are made from site plan submitted as part of approved multimodal transportation analysis; or
3. Increase in daily or peak hour trips resulting from a change in proposed land use types or intensities.
4. Developments meeting the above criteria shall revise and resubmit a multimodal transportation analysis. If a multimodal transportation analysis is required for a submitted planning application, the planning department may recommend deferral as a staff recommendation to the planning eCommission for applications with a multimodal transportation analysis meeting any of the above criteria without approval from NDOT.

IJ. Implementation of multimodal transportation analysis recommendations.

1. The multimodal transportation analysis may consider the Capital Improvements Budget and improvements for which council has adopted a resolution appropriating funds.
2. Any required improvements which have not been funded or otherwise completed by the metropolitan government shall be completed by the developer prior to the issuance of a use and occupancy permit by the zoning administrator.
3. When it can be demonstrated that a development will only partially contribute to the need for additional off-site improvements, NDOT or planning department (as applicable) may require a pro-rata contribution.
4. Prior to the issuance of a ROW permit and per Section 13.20.050 of this Code, the applicant's contractor shall be required to obtain a performance bond executed by the contractor and its Surety or Sureties, guaranteeing the execution of transportation infrastructure follows NDOT requirements and the payment of all legal debts pertaining to the performance of the work. Surety(ies) shall be authorized to do business in the State of Tennessee and be listed on the United States Department of the Treasury Financial Management Service list of approved bonding companies.

Section 2. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 3. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by:

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Brett Withers  
Member of Council