



Metropolitan Council

**PROPOSED AMENDMENTS PACKET
FOR THE COUNCIL MEETING OF
TUESDAY, OCTOBER 5, 2021**

Proposed Rules of Procedure Change

Mr. President:

I move to amend the 2019-2023 Metropolitan Council Rules of Procedure by amending Rule 14 as shown below:

14. Certification by Director of Finance on funds availability requirement

Upon the filing of any ordinance or resolution requiring the appropriation or expenditure of money, the Director of Finance, or, if the position of Director of Finance is vacant, a Divisional Director of the Finance Department, shall be afforded a period of twenty (20) days to furnish a statement to the Council certifying the availability of funds. No committee may consider the legislation until such time as the Director of Finance or a Divisional Director of the Finance Department has furnished such statement, or twenty (20) days has elapsed since the legislation filing.

SPONSORED BY:

Courtney Johnston
Member of Council

SUBSTITUTE ORDINANCE NO. BL2021-797

An Ordinance amending Section 17.12.070 of the Metropolitan Code to amend the requirements of the residential floor area ratio bonus in mixed use (Proposal No. 2021Z-011TX-001).

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

Section 1. That Section 17.12.070 of the Metropolitan Code is hereby amended by deleting the existing Subsection B and adding the following language as a new Subsection B:

B. Residential Bonus in Mixed Use, ORI, ORI-NS, ORI-A, ORI-A-NS, CF, CF-NS Districts.

1. For property located either (a) in the MUI, MUI-NS, MUI-A, and MUI-A-NS district, or (b) within the urban zoning overlay district in any mixed-use, ORI, ORI-NS, ORI-A, ORI-A-NS, CF, or CF-NS district, in any building where at least twenty-five percent of the floor area (exclusive of parking) is designed and constructed for residential occupancy, the floor area designed and constructed for residential use shall not be counted in determining the floor area ratio of the building. This uncounted floor area benefit shall not be combined with any other bonus allowed under this section or Section 17.36.090.
2. In any development that uses the uncounted floor area benefit in subsection (B)(1) of this section, ~~at least 20% of the development shall be dedicated to commercial, medical, or office uses, excluding the hotel/motel and short term rental property — not owner occupied uses.~~ the following uses shall be prohibited from the development:
 - a. Short Term Rental Property – Owner Occupied
 - b. Short Term Rental Property – Not Owner Occupied

Section 2. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Brett Withers
Member of Council

SUBSTITUTE ORDINANCE NO. BL2021-832

An ordinance to amend various sections of Title 17 of the Metropolitan Zoning Code to incentivize Inclusionary Housing with any residential development that seeks additional development entitlements beyond that permitted by the current base zoning district (Proposal No. 2021Z-013TX-001).

WHEREAS, the Metropolitan Government of Nashville and Davidson County undertook an Inclusionary Housing Feasibility and Market Study (the Study) in 2016; and

WHEREAS, the Study found that there has been cost appreciation and housing turnover in central areas of the city; and

WHEREAS, the Study found that 46% of renters in the city are cost-burdened; and

WHEREAS, cost appreciation in central areas can lead to the displacement of cost-burdened households and gentrification; and

WHEREAS, much of the housing affordable to 80% Average Medium Income (AMI) is outside of the central areas, with poor access to jobs, transit, and services; and

WHEREAS, affordable and workforce housing is a primary concern of the citizens of Nashville and Davidson County, as it continues to be a major barrier to economic progress for many in Nashville; and

WHEREAS, increasing the supply of affordable and workforce housing supports economic growth and is a vital tool in reducing poverty in Davidson County; and

WHEREAS, state law does not prohibit a local government from creating or implementing a purely voluntary incentive-based program designed to increase the construction or rehabilitation of workforce or affordable private residential or commercial rental units, which may include providing local tax incentives, subsidization, real property, or infrastructure assistance, or any other incentive that makes the construction of workforce or affordable housing more economical, so long as the program is not used to incentivize or leverage a person to develop, build, sell, or rent housing at below market value; and

WHEREAS, the program created by this ordinance will use a developer's voluntary election of workforce or affordable housing as one of several options available to them to create additional building entitlements through the Downtown Code's bonus height program, and the Metropolitan Government may use all or a portion of the estimated new tax revenue generated by the bonus height to subsidize the rental of workforce or affordable housing units within the new structure so that the units shall rent at market value, and

WHEREAS, the program created by this ordinance will alternatively use a developer's voluntary election to enter into a participation agreement with the Metropolitan Government, such that the Metropolitan Government agrees to pay for significant infrastructure improvements within a site plan, and the Metropolitan Government may use all or a portion of the estimated new tax revenue generated within the site plan to subsidize the rental of workforce or affordable housing units within new structures built within the site plan so that the units shall rent at market value; and

WHEREAS, the program created by this ordinance will alternatively use a developer's voluntary election to accept a parcel of real property from the Metropolitan Government, and the Metropolitan Government may use all or a portion of the estimated new tax revenue generated by the structure built on the parcel to subsidize the rental of workforce or affordable housing units within the new structure so that the units shall rent at market value.

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

Section 1. That Section 17.40.780, 17.40.790, 17.40.800, 17.40.810, and 17.40.820 (Inclusionary Housing) of the Metropolitan Code are hereby amended by deleting those sections and substituting the following.

17.40.780 Purpose and Applicability of Inclusionary Housing Provisions

- A. Purpose. The purposes of this Section are to promote the public health, safety, and welfare by increasing the production of affordable and work force housing (“Inclusionary Housing”) units to meet existing and anticipated housing and employment needs; mitigating the impacts of increasing housing cost and provide housing affordable to low and moderate income households; providing for a range of housing choices throughout the city to avoid the concentration of poverty; and to provide a mechanism by which residential development can contribute in a direct way to increasing the supply of affordable and workforce housing Inclusionary Housing.
- B. Applicability.
1. When a developer voluntarily elects affordable housing Inclusionary Housing as one of several options available to them to create additional building entitlements for residential rental projects through the Downtown Code's bonus height program, ~~or when a developer voluntarily enters into a participation agreement with the Metropolitan Government whereby the Metropolitan Government agrees to pay for significant infrastructure improvements within a site plan, or when a developer voluntarily accepts a parcel of real property from the Metropolitan Government for development,~~ the residential rental units shall be subject to the provisions of this Section as long as all of the subsidies described below from the Metropolitan Government of Nashville and Davidson County are available. ~~Developers who do not meet the criteria above may request to participate. The inclusion of affordable or workforce housing in a request for bonus height shall not however become a condition precedent to the acceptability of the other criteria currently available to obtain additional building entitlements in the DTC, as each of the options available to developers to create additional entitlements, including but not limited to bonus height, can independently, standing alone, support the additional entitlements.~~
 2. If the Metropolitan Government ceases to provide adequate funding for the subsidies from the Metropolitan Government are not available, the residential rental units shall not be subject to the provisions of this Section Article until the subsidies are again available funded.
 3. When a developer voluntarily elects affordable housing Inclusionary Housing as one of several options available to them to create additional building entitlements through the Downtown Code's (DTC's) bonus height program, the Metropolitan Government may use all or a portion of the estimated new tax revenue generated by the bonus height to subsidize the rental of affordable housing Inclusionary Housing units within the new structure, so that the units shall rent at market value.
 4. ~~When a developer voluntarily enters into a participation agreement with the Metropolitan Government whereby the Metropolitan Government agrees to pay for significant infrastructure improvements within a site plan, the Metropolitan Government may use all or a portion of the estimated new tax revenue generated~~

~~within the site plan to subsidize the rental of affordable housing units within new structures built within the site plan, so that the units shall rent at market value.~~

~~5. When a developer voluntarily accepts a parcel of real property from the Metropolitan Government for development, the Metropolitan Government may use all or a portion of the estimated new tax revenue generated by the structure built on the parcel to subsidize the rental of affordable housing units within the new structure, so that the units shall rent at market value.~~

~~64.~~ For residential uses, developments of fewer than five units are exempt.

~~75.~~ For the purposes of this subsection, the following definitions apply.

a. "Development" shall include any residential or mixed-use development at one or more adjoining sites with common ownership or under common control, within a period of five years from the first date of the issuance of a building permit for construction.

b. "Significant infrastructure improvements within a site plan" shall include the Metropolitan Government's agreement to pay for more than 10% of the new infrastructure that will be required by an approved site plan.

c. The "Estimated new tax revenue" is the tax revenue generated by the additional units constructed as a result of the bonus height associated with Inclusionary Housing. This tax revenue shall be determined by the Metro Department of Finance in consultation with the Davidson County Property Assessor's office. This revenue to be used to subsidize housing rentals, shall be determined by the Metropolitan Government prior to the Planning Commission's Department's review of a proposed development or site plan subject to this Section.

d. "Residential floor area" is the net leasable residential floor area.

8. Inclusionary Housing shall not be provided, and no financial incentives shall be granted if the average ~~unit sale price or~~ rental rate is less than, or within 5% above 100% Area Median Income (MHI AMI) ~~market prices or~~ rental rates for Nashville and Davidson County as determined by the US Department of Housing and Urban Development (HUD) and the Inclusionary Housing Plan demonstrates that the census tract average rental rates for comparable units are affordable to a household at 100% AMI.

17.40.790 Requirements for Inclusionary Housing

A. Construction. The set aside for ~~affordable or workforce housing~~ Inclusionary Housing shall be at a minimum:

	Rental at 60% MHI <u>AMI</u> or less	Rental at Greater than 60% MHI <u>AMI</u> to 80% AMI	Rental at Greater than 80% MHI <u>AMI</u> to 100% MHI <u>AMI</u> (available in the UZO only)
Single-family and Two-family uses	12.5% of total residential units	15% of total residential units	17.5% of total residential units

Multi-family uses less than 3 stories	12.5% of total residential floor area	15% of total residential floor area	17.5% of total residential floor area
Multifamily Uses (3 to 6 stories)	10% of total residential floor area	12.5% of total residential floor area	15% of total residential floor area
Multifamily Uses (> 7 stories)	7.5% of total residential floor area	10% of total residential floor area	12.5% of total residential floor area

B. The maximum set aside shall be based on the estimated tax revenue available to provide rental subsidy.

C. The Mayor's Office of Housing or the Planning Director of Housing may approve a mix of AMI levels, provided the mix is equivalent to the set asides above. The mix of AMIs and how their equivalency was determined shall be included in the Inclusionary Housing Plan.

17.40.800 Standards for Construction and Occupancy of ~~Affordable and/or Workforce~~ Inclusionary Housing.

A. With the building permit application, the Owner/Developer shall submit an Inclusionary Housing Plan, which documents the following:

1. Number of total residential units provided under the site plan.
2. Whether the development uses public resources or public property.
3. Number of ~~affordable or workforce housing~~ Inclusionary Housing units provided.
4. Income levels of targeted families for ~~affordable or workforce housing~~ Inclusionary Housing units.
5. The proposed market rental rate for each unit.
6. ~~Location~~ General location of ~~affordable or workforce housing~~ Inclusionary Housing units.
7. Sizes of ~~affordable or workforce housing~~ Inclusionary Housing units.
8. Bedroom counts of ~~affordable or workforce housing~~ Inclusionary Housing units.
9. ~~Market rate pricing or~~ rental rates for comparable units within the census tract for the project site.
10. Proposed Master Lease Agreement with the Metropolitan Development and Housing Agency (MDHA), or another entity competitively selected by the Metropolitan Government to administer the provisions of this Article, (the "Administering Agency"). Such Master Lease Agreement shall be subject to the approval of the Mayor's Office Director of Housing Programs, or such other Metropolitan Government official responsible for overseeing and administering affordable housing programs., with

~~approval from the Office of Economic Opportunity and Empowerment with assistance from the Finance Department.~~

- B. Master lease agreements with MDHA the Administering Agency must:
1. Provide a minimum term of 15 years for Inclusionary Housing rental units.
 2. Reassess the market rate for each unit every 5 years during the term of the lease.
 3. Ensure the units are occupied by eligible households.
- C. Exteriors and interiors of Inclusionary Housing units shall not differ materially from the other units in a project.

17.40.810 Enforcement.

- A. Prior to the issuance of the first building permit, all Standards for Construction and Occupancy ~~listed above~~ provided in Section 17.40.800 shall be documented on the building permit plans.
- B. Prior to the issuance of the Use & Occupancy permit, all Standards for Construction and Occupancy provided in Section 17.40.800 ~~listed above~~ shall be satisfied and documentation provided to the Codes Department.
- C. During the subsidized rental period, MDHA the Administering Agency shall provide a compliance report to the ~~Office of Economic Opportunity and Empowerment~~ Mayor's Office Director of Housing Programs or such other Metropolitan Government official responsible for overseeing and administering affordable housing programs in the form and manner determined by ~~the Office of Economic Opportunity and Empowerment~~ such official with assistance from the Finance Department.
- D. If the compliance report indicates non-compliance with the set aside percentages, the report shall be provided to the council.

17.40.820. Severability.

If any provision of this section or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this code are declared to be severable.

Section 2. That any appropriately filed application that complies with all existing filing requirements and that is filed prior to the effective date of this ordinance shall not be affected by the provisions of this ordinance unless the applicant requests participation.

Section 3. Be it further enacted, that this ordinance shall take effect immediately upon 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:

Burkley Allen
Freddie O'Connell
Members of Council

SUBSTITUTE ORDINANCE NO. BL2021-842

An Ordinance amending Chapter 16.28 and Section 17.40.430 of the Metropolitan Code to amend the regulations of the demolition of potentially historic structures and sites (Proposal No. 2021Z-015TX-001).

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

Section 1. That Section 16.28.190 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

16.28.190 – Issuance.

If the application for a permit under this chapter and the drawings filed therewith describe work which does not conform to the requirements of this chapter or other pertinent laws or ordinances, the director of codes administration shall not issue a permit, but shall return the drawings to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefore.

Section 2. That Chapter 16.28 of the Metropolitan Code is hereby amended by creating Section 16.28.195 as follows:

16.28.195 – Issuance of permits for the demolition of historic structures and sites.

A. ~~For the purposes of this section, the following definitions shall apply:~~

- ~~1. “Demolition” includes the act of either demolishing or removing the following:
 - a. Fifty percent (50%) or more of the roof area as measured across the horizontal plane of the outer perimeter of the roof area of the building or structure.
 - b. Fifty percent (50%) or more of the exterior walls of the building or structure.~~
- ~~2. “Qualified historic restoration consultant” is defined as a professionally licensed architect or general contractor with a specialty in historic buildings, i.e. one who has worked directly on the rehabilitation or restoration of historic buildings for a minimum of ten years and/or a minimum of 15 long-term (lasting six months or more) historic building projects. The consultant shall provide a list of qualifying historic properties, detailing their scope, budget, the consultant’s scope of involvements, specific historic issues/challenges, date of completion, and client contact information. The historical commission will determine whether the consultant meets these criteria.~~
- ~~3. “Qualified historic properties real estate appraiser” is defined as an individual who has a minimum of five years of professional experience working as a real estate appraiser, specifically including the valuation of historic property buildings, and their appurtenances. For these purposes, “historic” shall be defined as 100 years old and older. The appraiser shall provide a listing of historic properties evaluated, with accompanying date of service and client contact information. The historical commission will determine whether the consultant meets the established criteria.~~

~~B. When the department of codes administration receives an application for a demolition permit for a structure that, individually or as part of a group of structures, qualifies as a "preferably preserved structure or site," as defined in subsection 16.28.195.C, or meets the criteria of T.C.A. § 7-51-1201 as determined by the Metro Historical Commission, but is not included in a historic overlay district, the director of Codes Administration shall not issue a demolition permit for the structure or site until the executive director of the historical commission has notified the director of codes administration that all necessary requirements of this section of the ordinance have been met.~~

~~1. The executive director shall release the demo hold on structures initially identified as Pre-1865 upon approval of the demolition by the Metro Council by resolution and once the documentation standards of subsection 16.28.195.D have been met.~~

~~2. The executive director shall release the demo hold on structures initially identified as "preferably preserved" at the end of the 180 days if the documentation standards of subsection 16.28.195.F have been met.~~

~~C. Pre-1865 Buildings. Any building meeting the qualifications of T.C.A. § 7-51-1201 shall be considered a pre-1865 building.~~

~~D. Pre-1865 Buildings Review Process. The following requirements shall be satisfied prior to the issuance of a demolition permit for a residential structure that was originally constructed before 1865:~~

~~1. The property owner or the owner's agent applying for a demolition permit shall, with the application for the permit, present to the director of codes administration and the executive director of the historical commission a report, prepared by a qualified historic restoration consultant, stating the following:~~

~~a. The name and qualifications of the person making the report.~~

~~b. The condition of structural elements of the building proposed to be demolished. Such report should include an assessment of damage or decay, if any, to foundations, flooring, floor supports, walls and other vertical supports, ceilings, roofs and their support systems and other horizontal elements, fireplace, chimneys, exterior cladding and other exterior elements that may affect structural integrity, windows, window frames and doors and/or any fault, defect or condition that might affect the structural integrity or the water tightness of the building.~~

~~c. An estimated cost of repair for those item(s) identified in the structural report as damaged or decayed and which affect structural integrity.~~

~~d. A valuation from a qualified historic properties real estate appraiser of the building(s), structures or features proposed to be demolished.~~

~~e. Evidence that there is no feasible alternative to demolition, including the use of tax credits, grants or loans for rehab, moving the structure, selling the property to a preservation minded buyer among other possible alternatives.~~

~~2. Upon receipt of the demolition permit application, the metropolitan historic zoning commission shall, at a scheduled public hearing, make the determination as to whether or not the structure meets the criteria of T.C.A. § 7-51-1201. If the historical~~

~~commission determines that the structure at issue meets the criteria of T.C.A. § 7-51-1201, it shall initiate legislation to allow the metropolitan council the opportunity to approve or disapprove the demolition in accordance with T.C.A. § 7-51-1201 et seq.~~

~~3. The property owner or the owner's agent applying for a demolition permit shall place a sign in a visible location providing notice of the meetings and shall send mailed notices to the applicable neighborhood association, any local preservation non-profit organization, any statewide preservation non-profit organization and the Tennessee State Historical Commission at least 16 days prior to the first of the two meetings.~~

~~4. If council approves demolition of the property, the applicant shall provide the following, prior to the issuance of a demolition permit:~~

~~a. Documentation of the building to include, but not limited to, photographs and measured drawings meeting the documentation specifications of the National Park Service's Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER) or the Historic American Landscapes Survey (HALS) guidelines.~~

~~b. A salvage plan listing all features to be salvaged and whether those features will be sold, donated, or reused in new construction planned for the site.~~

~~E. Preferably Preserved Structure or Site. Any building meeting the following qualifications shall be considered a preferably preserved structure or site:~~

~~1. Listed in the National Register of Historic Places (NR)~~

~~2. Determined by the metro historical commission (MHC) to be eligible for listing in the National Register of Historic Places (NRE).~~

~~3. Determined by the metro historical commission (MHC) to be a significantly important Structure or Site that culturally or physically communicates Nashville's history.~~

~~F. Preferably Preserved Structure or Site Review Process.~~

~~1. The property owner or the owner's agent applying for a demolition permit shall present to the executive director of the historical commission a report, prepared by a qualified historic restoration consultant, stating the following:~~

~~a. The name and qualifications of the person making the report.~~

~~b. The condition of structural elements of the building proposed to be demolished. Such report should include an assessment of damage or decay, if any, to foundations, flooring, floor supports, walls and other vertical supports, ceilings, roofs and their support systems and other horizontal elements, fireplace, chimneys, exterior cladding and other exterior elements that may affect structural integrity, windows, window frames and doors and/or any fault, defect or condition that might affect the structural integrity or the water tightness of the building.~~

~~c. An estimated cost of repair for those item(s) identified in the structural report as damaged or decayed and which affect the structural integrity of the structure.~~

~~d. A valuation from a qualified historic properties real estate appraiser of the building(s) proposed to be demolished.~~

2. ~~Upon receipt of the demolition permit application, the metropolitan historical commission staff shall have 15 days to complete the following:~~
 - a. ~~Make the determination as to whether or not the documentation meets the specifications established by the metro historical commission.~~
 - b. ~~Direct the applicant to post a sign on the property and to send mailed notices to the applicable neighborhood association, any local preservation non-profit organization, any statewide preservation non-profit organization and the Tennessee State Historical Commission as a means of notifying the public of pending demolition.~~
 - c. ~~Direct the applicant to provide documentation of the building or site to include, but not limited to, photographs and measured drawings, meeting the documentation specifications of the National Park Service's Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER) or the Historic American Landscapes Survey (HALS) guidelines.~~
 - d. ~~Direct the applicant to submit a salvage plan listing all features to be salvaged and whether those features will be sold, donated, or reused in new construction planned for the site.~~
3. ~~Following the completion of the requirements of Subsections 16.28.195.F.1 and 16.28.195.F.2, the MHC shall hold the demolition request for 180 days for the purpose of working with the applicant towards saving the building or structure or appropriate mitigation.~~

~~G. The owner shall be responsible for properly securing the structure to the satisfaction of Metro Property Standards during the applicable delay periods and/or if demolition of a pre-1865 building is denied.~~

A. When the department of codes administration receives an application for a demolition permit for a structure which, individually or as part of a group of structures, is listed or is eligible for listing on the National Register of Historic Places, or meets the criteria of T.C.A. § 7-51-1201 as determined by the historic zoning commission, but is not included in a historic overlay district, the director of codes administration shall not issue a demolition permit for the structure until the executive director of the historical commission approves the demolition permit. The executive director must take action on the demolition permit within 90 days of the permit application, unless a longer period is agreed upon by the applicant and the executive director. The department of codes administration shall provide notice by email to the district councilmember representing the district in which the historic structure is located within two business days after the application for the demolition permit has been filed.

B. Prior to the issuance of a demolition permit or a building permit where a portion of the structure is proposed to be removed for a structure which, individually or as part of a group of structures, is listed or is eligible for listing on the National Register of Historic Places, meets the criteria of T.C.A. § 7-51-1201 as determined by the historic zoning commission, and/or is included in a historic overlay district, the responsible contractor and any subcontractor shall submit signed affidavits that they have reviewed the permit to be

approved including any related preservation permit and understand the limits of the demolition work to be done.

C. The following requirements shall be satisfied prior to the issuance of a demolition permit for a residential structure that was originally constructed before 1865:

1. The property owner or the owner's agent applying for a demolition permit for a residential structure that was originally constructed before 1865 shall, with the application for the permit, present to the director of codes administration and the executive director of the Metropolitan Historical Commission at least two reports, each prepared by a qualified historic restoration consultant, stating the following:

a. The name and qualifications of the person making the report.

b. The condition of structural elements of the building proposed to be demolished. Such report should include an assessment of damage or decay, if any, to foundations, flooring, floor supports, walls and other vertical supports, ceilings, roofs and their support systems and other horizontal elements, fireplace, chimneys, exterior cladding and other exterior elements that may affect structural integrity, windows, window frames and doors and/or any fault, defect or condition that might affect the structural integrity or the water-tightness of the building.

c. An estimated cost of repair for those item(s) identified in the structural report as damaged or decayed and which affect the structural integrity of the structure.

d. A valuation from a qualified historic properties real estate appraiser of the building(s) proposed to be demolished.

2. For purposes of subsection C.1., the following definitions shall apply:

a. "Qualified historic restoration consultant" is defined as a professionally licensed architect or general contractor with a specialty in historic buildings, i.e., one who has worked directly on the rehabilitation or restoration of historic buildings for a minimum of ten years and/or a minimum of 15 long-term (lasting six months or more) historic building projects. The consultant shall provide a list of qualifying historic projects, detailing their scope, budget, the consultant's scope of involvement, specific historic issues/challenges, date of completion, and client contact information. The MHZC will determine whether the consultant meets these criteria.

b. "Qualified historic properties real estate appraiser" is defined as an individual who has a minimum of five years of professional experience working as a real estate appraiser, specifically including the valuation of historic property, buildings, and their appurtenances. For these purposes, "historic" shall be defined as 100 years old and older. The appraiser shall provide a listing of historic properties evaluated, with accompanying date of service and client contact information. The MHZC will determine whether the consultant meets these established criteria.

3. Upon receipt of the demolition permit application, the metropolitan historic zoning commission shall, at a scheduled public hearing, make the determination as to whether

or not the structure meets the criteria of T.C.A. § 7-51-1201. If the historic zoning commission determines that the structure at issue meets the criteria of T.C.A. § 7-51-1201, it shall initiate legislation to allow the metropolitan council the opportunity to approve or disapprove the demolition in accordance with T.C.A. § 7-51-1201 et seq.

Section 3. That Section 17.40.430 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

17.40.430 - Moratorium For proposed historic overlay districts.

There shall be a moratorium period on the granting of permits for demolition, relocation, new construction, exterior alterations, additions to structures or improvements on land recommended for designation as a historic overlay district. The moratorium period shall begin with the filing of an ordinance to designate an historic overlay district and end once the ordinance establishing the overlay district has been approved, rejected, withdrawn, deferred for a total amount ~~period~~ of time ~~greater than~~ equaling 90 days, or indefinitely deferred by the Metropolitan Council.

Section 4. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Tom Cash
Member of Council

SUBSTITUTE ORDINANCE NO. BL2021-843

An Ordinance to amend Sections 17.36.110, 17.36.120, and 17.40.550 of the Metropolitan Code of Laws relative to historic signage (Proposal No. 2021Z-017TX-001).

WHEREAS, under Metropolitan Code of Laws § 17.40.410, the Historic Zoning Commission is empowered to recommend the creation of historic overlays; and

WHEREAS, preserving historic signage meets the purpose and intent of an overlay, as outlined in § 17.36.100.

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

Section 1. That Section 17.36.110 of the Metropolitan Code of Laws is hereby amended by adding a new subsection F as follows:

F. Historic Landmark Signage (HS) District. The boundaries shall be shown on the zoning map or on special overlays thereto that are made a part of this zoning code and noted by name on such maps, in which no signage shall be constructed, altered, repaired, relocated or demolished in whole or in part unless the action complies with the requirements set forth in this title.

Section 2. That Section 17.36.120 of the Metropolitan Code of Laws is hereby amended by adding a new subsection E as follows:

E. Historic Landmark Signage.

1. Signage must meet all of the following criteria to qualify as a Historic Landmark Sign (HS):

a. Materials, technology, and design. The signage must be representative of excellence in a particular period of construction; and/or must be unique in that it demonstrates extraordinary aesthetic quality, creativity or innovation.

b. Integrity. The signage design must retain the majority of its character-defining features (materials, technologies, structure, colors, shapes, symbols, text, and/or art) that have historical significance, or are integral to overall sign design, ~~or convey historical or regional context.~~ If character-defining features have been altered or removed, the majority must be potentially restorable to their historic function and appearance. This overlay shall not regulate the content or message of the signage.

c. Location. The sign shall not be an off-site sign or billboard, as defined in the Zoning Code.

d. An historic landmark sign must be constructed more than fifty years before the date of application.

2. Sign calculations for a landmark sign:

~~a. Where the landmark sign does not identify the business occupying the premises and is not used by an owner or occupant of the premises to advertise a business currently occupying the premises, the landmark sign shall not count against the total allowable sign area for the premises and shall not count against the number of signs allowed for the premises.~~

~~b. Where the landmark sign does identify the business occupying the premises or is used or adaptively reused by an owner or occupant of the premises to advertise a business currently occupying the premises, f~~ Fifty percent of the square footage of the landmark sign shall count

toward the total allowable sign area and shall count against the number of signs allowed for the premises.

eb. Sign calculations shall be determined and confirmed by the Codes Department.

Section 3. That Section 17.40.550 of the Metropolitan Code of Laws is hereby modified as follows:

The zoning administrator shall not issue any zoning, building or demolition permit for the construction, alteration, repair, demolition or relocation of a building or other structure within ~~HP~~ ~~or HL~~ any historic overlay district, or for the construction, demolition, relocation or additions increasing habitable area of a building or other structure within an NC overlay district, without prior approval of the historic zoning commission.

Section 4. This ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring.

INTRODUCED BY:

Mary Carolyn Roberts
Member of Council

SUBSTITUTE ORDINANCE NO. BL2021-859

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 OG to MUG-A and MUG-A-NS zoning for a portion of property located at 612 W Due West Avenue, at the northwest corner of W Due West Avenue and S Graycroft Avenue (16.50 acres), all of which is described herein (Proposal No. 2021Z-073PR-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 OG to MUG-A and MUG-A-NS zoning for a portion of property located at 612 W Due West Avenue, at the northwest corner of W Due West Avenue and S Graycroft Avenue (16.50 acres), being Property Parcel No. 013 as designated on Map 051-06 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 051 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:

Nancy VanReece
Member of Council

2021Z-073PR-001
Map 051-06, Parcel(s) 013
Subarea 04, Madison
District 08 (Nancy VanReece)
Application fee paid by: Fee waived by Council

A request to rezone from OG to MUG-A and MUG-A-NS zoning for a portion of property located at 612 W Due West Avenue, at the northwest corner of W Due West Avenue and S Graycroft Avenue (16.50 acres), requested by Councilmember Nancy VanReece, applicant; Due West Towers LLC, owner.



SUBSTITUTE ORDINANCE NO. BL2021-869

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to refine the urban design standards within Chapter 17.37, Downtown Code, relating to permitted façade materials, all of which is described herein (Proposal No. 2021Z-007TX-001). **THE PROPOSED ORDINANCE REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS.**

WHEREAS, The Council of The Metropolitan Government of Nashville and Davidson County adopted the Downtown Code (DTC) on February 2, 2010; and

WHEREAS, The Metropolitan Government recognizes the importance of updating, clarifying, and refining the Downtown Code (DTC) standards to encourage high quality, sustainable urban development; and

WHEREAS, the DTC standards provide opportunities for businesses to thrive, while enhancing the character of Downtown through mixed-use development, housing choices, and commercial and entertainment opportunities; and

WHEREAS, the refinement of the DTC standards will continue to ensure a quality urban experience for the citizens and businesses of Metropolitan Nashville and Davidson County; and

WHEREAS, The DTC requires updates from time-to-time as downtown continues to grow and evolve as a neighborhood.

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

Section 1: That Chapter 17.37 of the Metropolitan Code is hereby amended by adding a new section entitled “Materials” prior to the “Auto-oriented canopies and awnings” section on page 68 of DTC as follows:

Materials

- All façade materials, exclusive of clear fenestration, shall be high quality and selected from the following list: masonry, masonry panels, textured metal, metal paneling, precast concrete, precast concrete panel, fiber cement panel, fiber cement siding, spandrel glass (on upper stories only), or materials substantially similar in form and function. This requirement applies to any façade visible from a public street, open space, or interstate in all subdistricts.
- Alternative facade materials may be used if determined to be appropriate by the Planning Staff. Any determination made by the Planning Staff may be appealed to the DTC DRC.
- ~~EIFS, stucco, plywood, plastics, and concrete block are prohibited as façade materials on any façade visible from a public street, open space, or interstate in all subdistricts. Modifications may be permitted insofar as it is determined that these materials are necessary to further an established, overriding policy goal and will not significantly diminish the pedestrian experience.~~

Section 2. Be it further enacted, that this ordinance shall take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Freddie O'Connell
Member of Council

SUBSTITUTE ORDINANCE NO. BL2021-900

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 RS7.5 and MUG-A to SP zoning for property located at Dickerson Pike (unnumbered), approximately 380 feet west of Dickerson Pike (7.22 acres), to permit a mixed-use development, all of which is described herein (Proposal No. 2021SP-053-001).

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 RS7.5 and MUG-A to SP zoning for property located at Dickerson Pike (unnumbered), approximately 380 feet west of Dickerson Pike (7.22 acres), to permit a mixed-use development, being Property Parcel No. 045 as designated on Map 060-00 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan 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 Property Parcel No. 045 as designated on Map 060-00 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 225 multi-family residential units in District 1 and uses of MUG-A in District 2. For both districts the following uses are prohibited: Owner occupied short term rentals, not-owner occupied short term rentals, monastery or convent, orphanage, dormitory, fraternity or sorority house, hospice, and cemetery

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

1. 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.
2. 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.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. All building material restrictions and requirements shall be authorized by BL2021-901
5. With the submittal of the Final SP Plan, the proposed public road identified in the preliminary SP shall be shown to Metro Standards providing a connection from Dickerson Pike to the SP site. The road location shall be approved by all Metro reviewing agencies.
6. With the Final SP submittal, building elevations consistent with the character imagery provided in the preliminary SP plan shall be provided.
7. A type B landscape buffer shall be provided on the northern portion of the site adjacent to RS7.5 zoned properties.

8. A revised preliminary SP showing all bulk regulations in district 2 be consistent with MUG-A standards shall be required prior to the approval of the Final SP.

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 RM40-A-NS (District 1) and MUG-A (District 2) zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

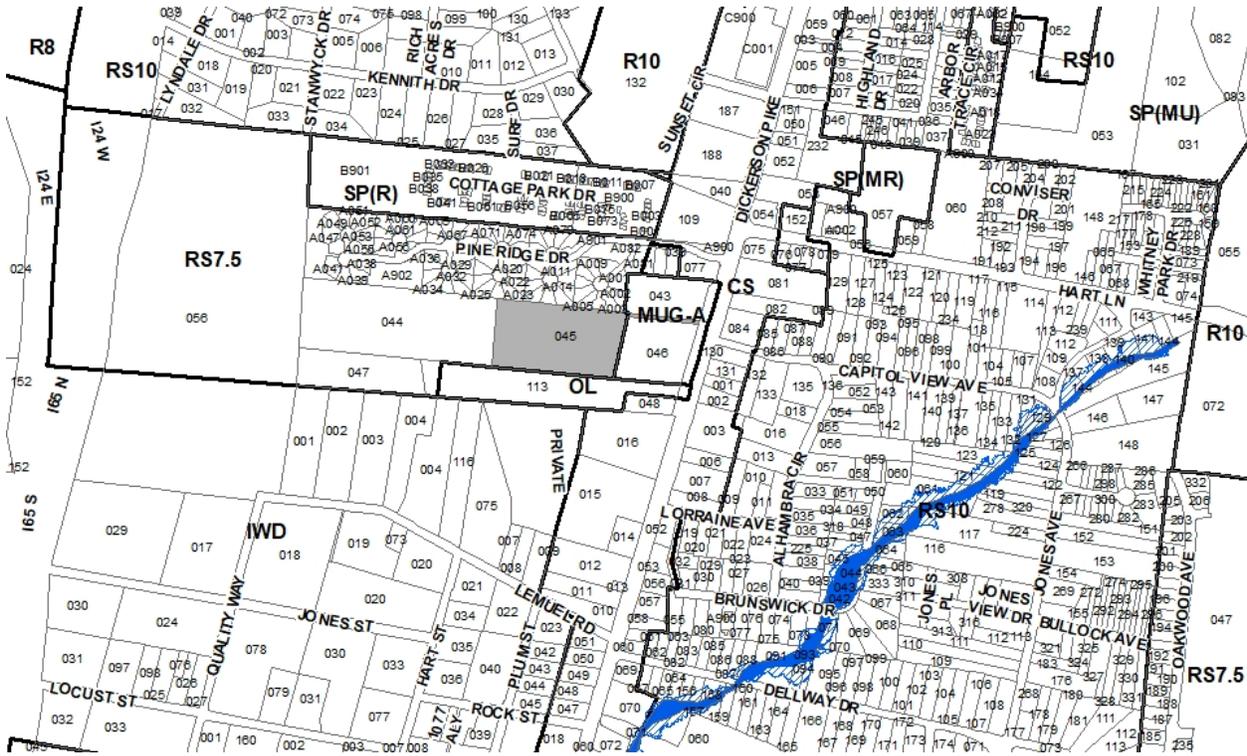
Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

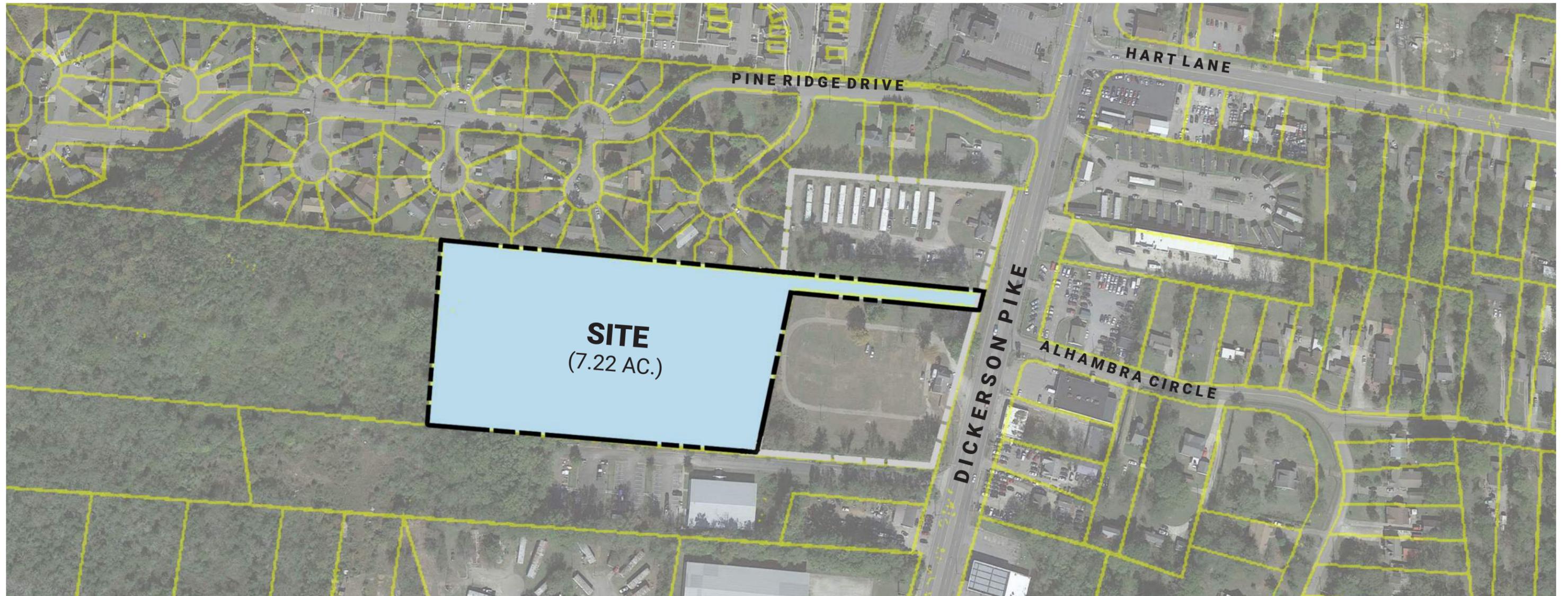
INTRODUCED BY:

Kyonzté Toombs
Member of Council

2021SP-053-001
0 DICKERSON PIKE REGULATORY SP
Map 060, Parcel(s) 045
Subarea 05, East Nashville
District 02 (Kyonzté Toombs)
Application fee paid by: Catalyst Design Group

A request to rezone from RS7.5 and MUG-A to SP zoning for property located at Dickerson Pike (unnumbered), approximately 380 feet west of Dickerson Pike (7.22 acres), to permit a mixed-use development, requested by Catalyst Design Group, applicant; Rudra Investments LLC, owner.





Regulatory Specific Plan

0 DICKERSON PIKE PROPERTY

(A portion of parcel 06000004500)

Case No. 2021SP-053-001

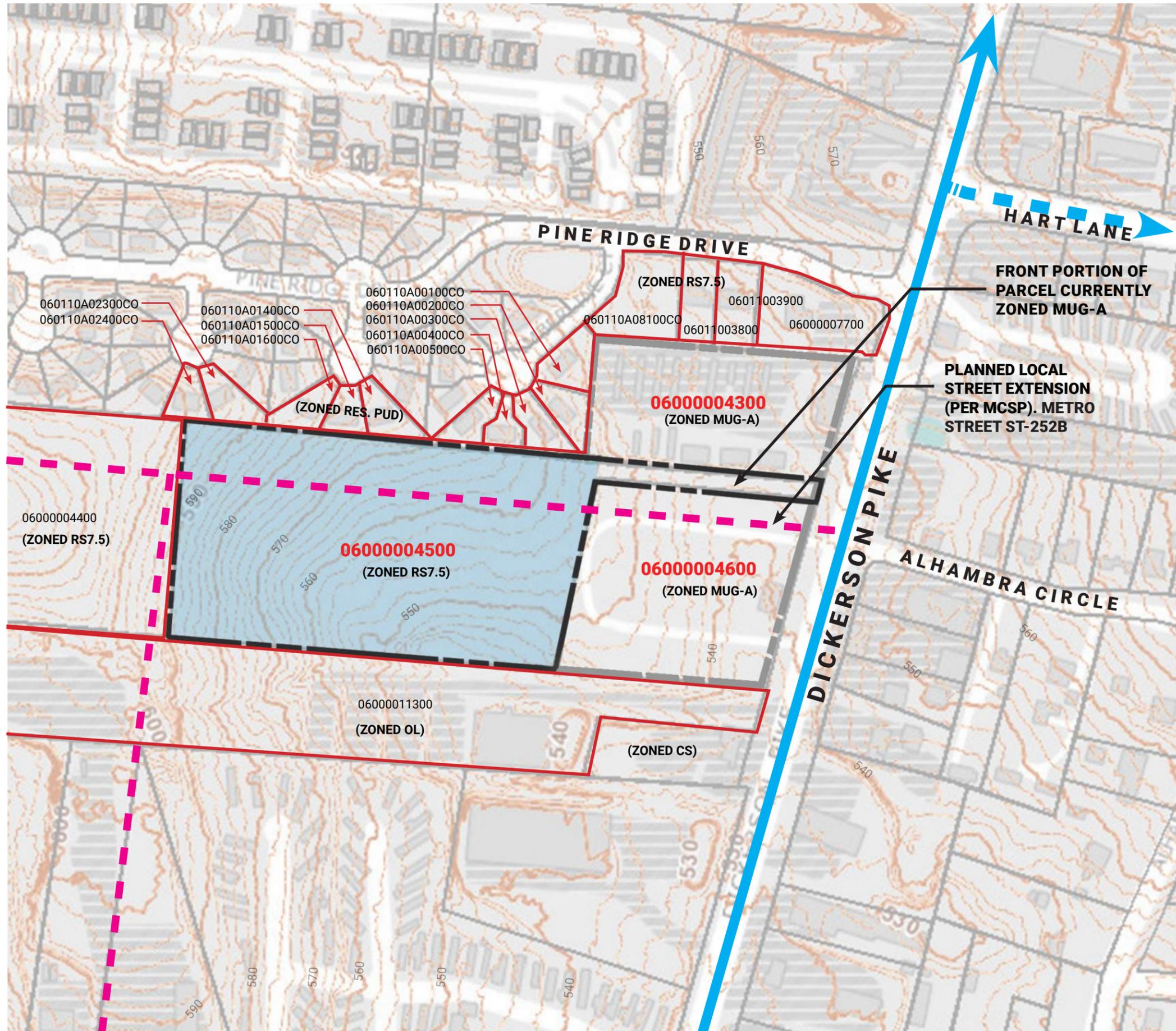


MIDDLE STREET
PARTNERS

675 Ponce de Leon Ave, Suite 8500
Atlanta, GA 30308
Phone: 404.245.5039
Contact: Derek Owen
downen@middlestreetpartners.com



5100 Tennessee Avenue
Nashville, TN 37209
Phone: 615.622.7200
Contact: Jeffrey Heinze
jheinze@catalyst-dg.com

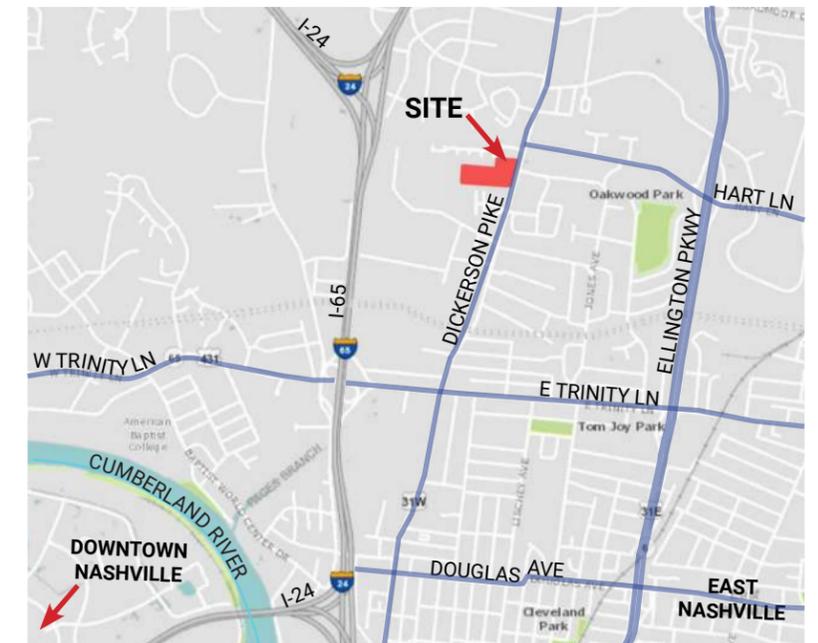


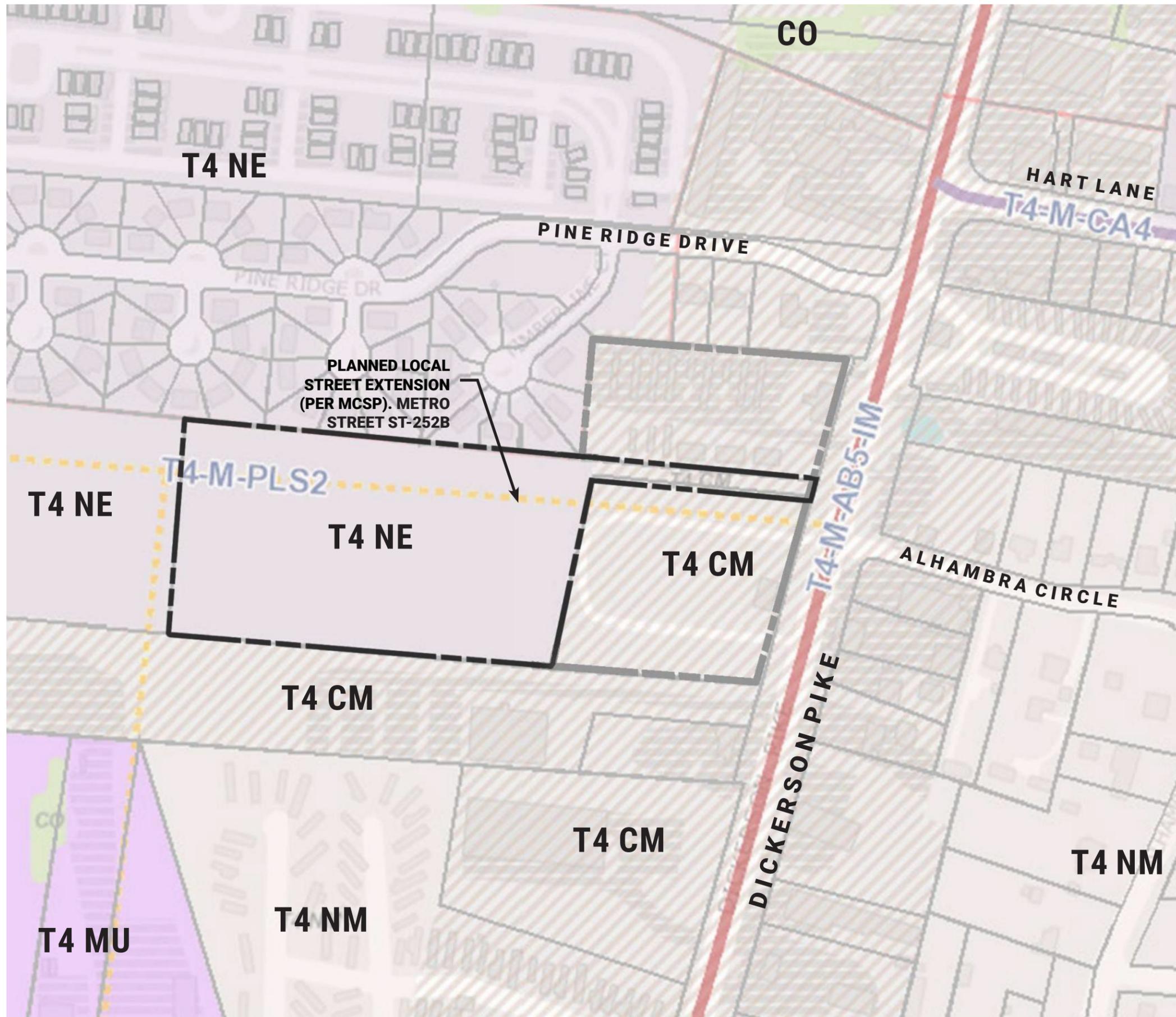
EXISTING CONDITIONS

LEGEND

- Arterial-Boulevard
- Collector-Avenue
- Planned Local Street (Per MCSP)

VICINITY MAP





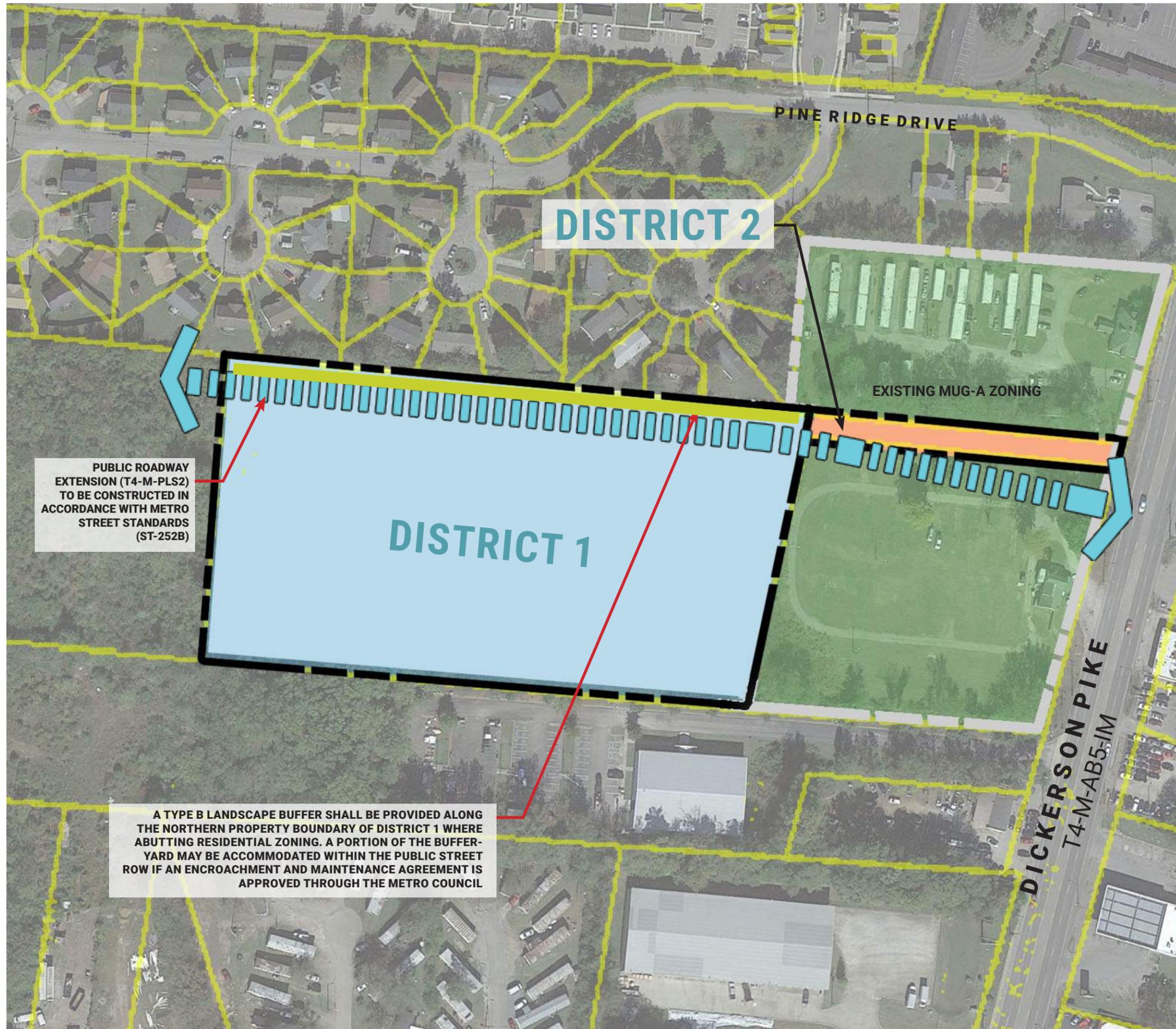
LAND USE CONTEXT

LEGEND

- Major and Collector Street Plan**
- Arterial-Boulevard Scenic
 - Arterial-Boulevard
 - Collector-Avenue
 - Planned Collector Avenue
 - Planned Local Street
- Adopted CCM**
- CO Conservation
 - T4 NM Urban Neighborhood Maintenance
 - T4 NE Urban Neighborhood Evolving
 - T4 RC Urban Residential Corridor
 - T4 NC Urban Neighborhood Center
 - T4 CM Urban Mixed Use Corridor
 - T4 MU Urban Mixed Use Neighborhood
 - T4 CC Urban Community Center

T4- NE Urban Neighborhood Evolving: generally located in areas where the primary land use is residential. These areas will have higher densities and a broader range and integrated mixture of housing types and high levels of connectivity with complete streets networks, sidewalks, bikeways and existing or planned mass transit. If transportation infrastructure is insufficient or not present, enhancements may be necessary to improve pedestrian, bicycle, and vehicular connectivity. Building massing results in a footprint with moderate to high lot coverage and buildings oriented to the street or an open space. Buildings are regularly spaced with shallow setbacks and minimal spacing between buildings. Within this setback, stoops and porches are common for some interaction between the public and private realm to create a pedestrian friendly environment. Buildings are generally one to three stories in height. Buildings up to four, possibly five, stories may be supported in appropriate locations such as abutting or adjacent to a major corridor and to support affordable and workforce housing. Parking is accessed by alley and is provided on street or on surface or structured parking. Parking is located behind or beside the building and is screened from view. Landscaping is generally formal and retains the existing mature trees on the building site and, when that is not possible, replaces existing trees with new ones. Landscaping has consistent use of lighting and open spaces, such as rain gardens that serve as storm water management as well as site amenities.

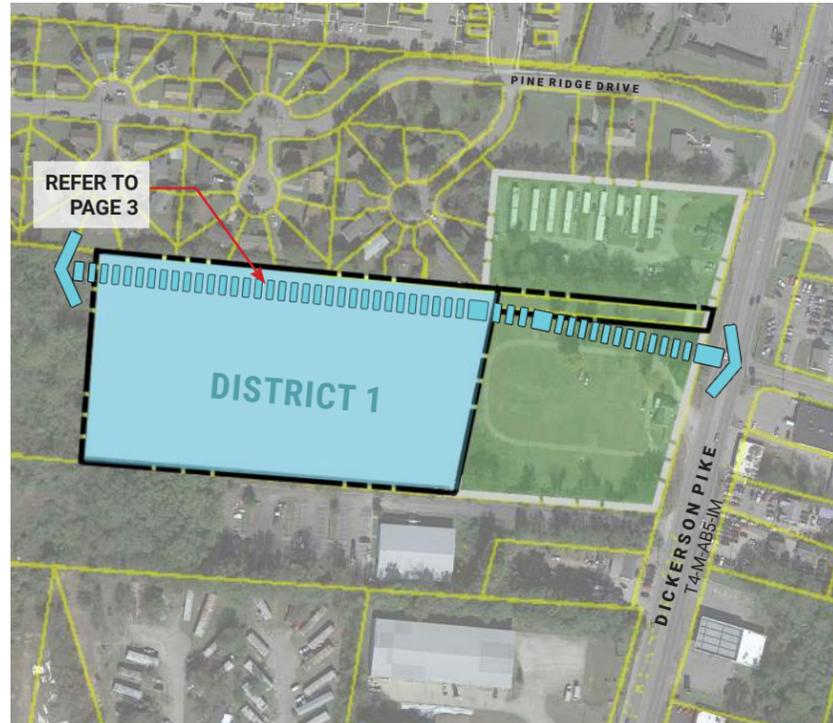
REGULATORY PLAN



The purpose of this Regulatory SP application is to permit a multifamily development on the 7.0 AC. westerly portion of parcel 06000004500 and to retain the allowable uses of MUG-A zoning on the 0.22 AC. easterly portion of the parcel. The property lies within the East Nashville community plan and the regulatory plan supports the Dickerson North Corridor Study by creating a design that takes into account a planned local roadway extension through the site to connect undeveloped parcels to the west of the site. The proposed SP Zoning will remain consistent with the T4 Urban Neighborhood Evolving (T4-NE) policy on the property (as described in the Nashville Next Community Character Manual) while allowing a blending of design parameters with the T4 Urban Mixed-Use Corridor (T4 CM) standards currently reflected by the MUG-A zoning along Dickerson Pike. District 2 of the SP will retain the bulk standards and allowable mix of uses currently accommodated within the existing MUG-A zoning.

DISTRICT 1

LAND USE: RM40-A-NS



BULK REGULATIONS

"District 1" Uses	Uses allowed within RM40-A-NS zoning with the exception of those listed in the prohibited use section	
FAR/Density¹	225 Dwelling units max; No FAR provision shall apply to residential uses	
ISR	0.75	
Maximum Building Height in Build-to Zone	50 feet (Build-To-Zone along the new public street shall allow 50' building height without a step back)	
General Maximum Building Height	4 stories in 60 feet	
Build-to Zone	0 to 15 feet	
Side/Rear Setback	Min. of 20 feet rear setback and 5 feet required minimum side setback	
Parking Requirements	Per Metro Code	
Glazing²	<i>Residential</i>	20% Min. on the first floor level and 15% min. glazing on all upper stories of facades facing a public street or open space commons
Raised Foundations³	<i>Residential</i>	18 in. Min to 36 in. Max
1	<i>No Maximum FAR applies to residential uses.</i>	
2	<i>Minimum glazing requirements shall be required on building facades facing public streets. Glazing calculations shall be measured from floor to floor.</i>	
3	<i>With the exception of accessible units, visitable units, and topographically challenged units; challenging site topography may result in raised/lowered foundations at strategic locations. Screening is required when raised foundations exceed 36" along public streets and open spaces. Maintaining ADA access to units in order to meet fair housing requirements shall preempt this regulation.</i>	

ARCHITECTURAL STANDARDS

- Residential structures shall be oriented to a public street where possible. When not possible, residential structures may be oriented towards internal open space common areas.
- The front facade of buildings shall be located between 0-15 feet from the back of the public sidewalk, or the public right-of-way, unless utility easement or setback requirements require a greater distance.
- Buildings shall provide a functional entry onto the street/ sidewalk network or other public space to promote activity at the street level. Where feasible, given the constraints of the site grades, residential units fronting a public street or green space shall provide a connection/ entrance to the public sidewalk.
- Vinyl siding, EIFS and untreated wood shall not be permitted with the exception of accent banding above 20' height from grade (or 2 residential floors).
- Refuse collection and recycling facilities shall be screened from views from the public way through the combined use of fences, walls and landscaping in accordance with Metro Code standards.
- Windows shall be vertically oriented at a ratio of 1.5:1 or greater. Planning staff may allow modifications to this standard for dormers, decorative windows, clerestory windows, egress windows, storefronts curtain walls and other special conditions.
- If provided, porches shall have a minimum depth of 5 feet.

ACCESS & PARKING

- Surface parking shall be located towards the interior of the site or be screened by landscaping. Parallel parking shall be allowable along the public street extension.
- Bicycle parking shall be provided per the Metro Zoning Code.
- All parking regulations to meet Metro Code. (100% of On-Street parking shall be allowed to count toward Code requirements)

LANDSCAPE STANDARDS

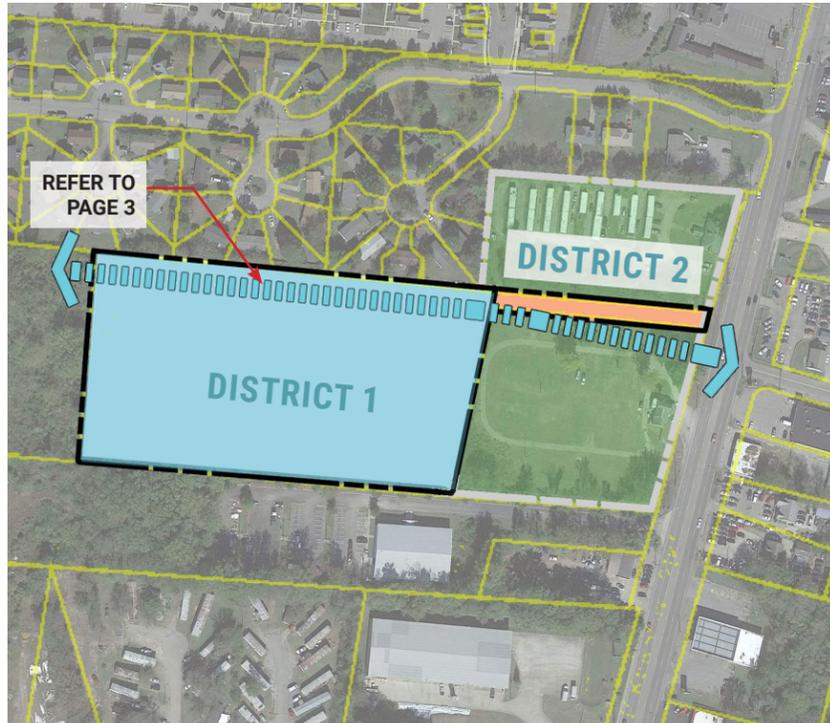
- Landscaping and tree density requirements per Metro Zoning Ordinance. A complete Landscape Plan will be submitted with the Final SP application.

THE FOLLOWING USES SHALL BE PROHIBITED:

- | | |
|--|------------------------------|
| Monastery or Convent | Fraternity or Sorority House |
| Orphanage | Hospice |
| Dormitory | Cemetery |
| Short Term rental property (STRP), as defined by Metro Ordinance. (Both owner-occupied and not owner-occupied) | |

DISTRICT 2

LAND USE: MUG-A



BULK REGULATIONS

"District 2" Uses	Uses allowed within MUG-A zoning	
FAR/Density¹	3.0 FAR; No FAR provision shall apply to residential uses	
ISR	0.90	
Maximum Building Height in Build-to Zone	5 stories in 75 feet without a step-back; 7 stories in 105 feet with a 15-foot step-back	
General Maximum Building Height	7 stories in 105 feet	
Build-to Zone	0 to 15 feet	
Side/Rear Setback	Min. of 20 feet rear setback and no required minimum side setback	
Parking Requirements	Per Metro Code	
Glazing²	<i>Residential</i>	20% Min. on building facades facing a public street on the first floor level and 15% required minimum glazing on all upper stories
Raised Foundations³	<i>Residential</i>	18 in. Min to 36 in. Max
<p>1 No Maximum FAR applies to residential uses.</p> <p>2 Minimum glazing requirements shall be required on building facades facing public streets. The first floor transparent glazing area calculation shall be measured from the finished grade at the setback to the finished floor elevation of the second floor, or to a height of sixteen feet, whichever is less. Upper floor glazing calculations shall be measured from floor to floor.</p> <p>3 With the exception of accessible units, visitable units, and topographically challenged units; challenging site topography may result in raised/lowered foundations at strategic locations. Screening is required when raised foundations exceed 36" along public streets and open spaces. Maintaining ADA access to units in order to meet fair housing requirements shall preempt this regulation.</p>		

ARCHITECTURAL STANDARDS

1. Residential structures shall be oriented to a public street where possible. When not possible, residential structures may be oriented towards internal open space common areas.
2. The front facade of buildings shall be located between 0-15 feet from the back of the public sidewalk, or the public right-of-way, unless utility easement or setback requirements require a greater distance.
3. Buildings shall provide a functional entry onto the street/ sidewalk network or other public space to promote activity at the street level. Where feasible, given the constraints of the site grades, residential units fronting a public street or green space shall provide a connection/ entrance to the public sidewalk.
4. Vinyl siding, EIFS and untreated wood shall not be permitted with the exception of accent banding above 20' height from grade (or 2 residential floors).
5. Refuse collection and recycling facilities shall be screened from views from the public way through the combined use of fences, walls and landscaping in accordance with Metro Code standards.
6. Windows shall be vertically oriented at a ratio of 1.5:1 or greater. Planning staff may allow modifications to this standard for dormers, decorative windows, clerestory windows, egress windows, storefronts curtain walls and other special conditions.
7. If provided, porches shall have a minimum depth of 5 feet.

ACCESS & PARKING

8. Surface parking shall be located towards the interior of the site or be screened by landscaping. Parallel parking shall be allowable along the public street extension.
9. Bicycle parking shall be provided per the Metro Zoning Code.
10. All parking regulations to meet Metro Code. (100% of On-Street parking shall be allowed to count toward Code requirements)

LANDSCAPE STANDARDS

11. Landscaping and tree density requirements per Metro Zoning Ordinance. A complete Landscape Plan will be submitted with the Final SP application.

THE FOLLOWING USES SHALL BE PROHIBITED:

- | | |
|---|------------------------------|
| Monastery or Convent | Fraternity or Sorority House |
| Orphanage | Hospice |
| Dormitory | Cemetery |
| Short Term Rental Property (STRP), as defined by Metro Ordinance (both owner-occupied and not owner-occupied) | |

ADDITIONAL REGULATIONS + NOTES

Regulatory SP Notes:

1. The purpose of this SP is to receive preliminary SP approval to permit the development of a 225 multi-family residential development with public road infrastructure within District 1 and to accommodate the standards and uses allowable in MUG-A zoning within District 2.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations, and requirements of the RM40-A-NS base zoning designations as of the date of the application request or application.
3. 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 the 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.

FEMA Note:

4. This property does not lie in an area designated as an area of minimal flood hazard according to Federal Emergency Management Agency Flood Insurance Rate Map Panel Number 47037C0234H, dated April 5, 2017.

Metro Public Works Notes:

5. The final site plan/building permit shall depict the required public sidewalks, any required grass strip or frontage zone, and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of Use and Occupancy Permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Where feasible, vertical obstructions are only permitted within the required grass strip or frontage zone.

6. Roadway Improvements that are a direct result of this specific project or as determined by an approved Traffic Impact Study and the Department of Public Works shall be constructed.
7. Any required right-of-way within the project site that is identified as necessary to meet the adopted Major and Collector Street Plan (MCSP).
8. 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.
9. All construction within the right of way shall comply with ADA and Metro Public Works Standard and Specifications.
10. There shall be no vertical obstructions (signs, power poles, fire hydrants, etc.) within the proposed sidewalks. Where feasible, vertical obstructions shall be relocated out of the proposed sidewalks, where applicable.
11. If sidewalks are required then they should be shown on the plans per MCSP and MPW standards and specs.
12. Submit copy of ROW dedications prior to bldg. permit sign off.
13. Development is to have a dumpster and recycling container(s), serviced by a private hauler.
14. The new public road, as shown on the MCSP from Dickerson, is to be constructed in compliance with NDOT standards. A temporary terminus may be required during final SP.

Fire Marshal Notes:

15. No part of any building shall be more than 500ft. from a fire hydrant via a hard surface road. Metro Ordinance 095-1541 Sec. 1568.020 B
16. All fire department access roads shall be 20 feet minimum width and shall have an unobstructed vertical clearance of 13.5 feet.
17. All dead-end roads over 150 ft. in length require a turnaround, this includes temporary turnarounds.
18. A fire hydrant shall be provided within 100 ft. of the fire department connection.

19. Fire hydrants shall be in-service before any combustible material is brought on site.

NES Notes:

20. Where feasible, this development will be served with underground power and pad-mounted transformers.
21. New facilities will not be allowed to sit in or to pass through retention areas, including rain gardens, bioretention areas, bioswales, and the like. This includes primary duct between pad-mounted transformers equipment, as well as service duct to a meter.

Stormwater Notes:

22. Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with Stormwater Management Ordinance No. 78-840 and approved by the Metropolitan Department of Water Services.
23. Metro Water Services shall be provided sufficient and unencumbered ingress and egress at all times in order to maintain, repair, replace, and inspect any stormwater facilities within the property.
24. Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual. (Minimum driveway culvert in Metro ROW is 15" CMP.)
25. Project intent is to be redeveloped per the requirements of Volume 5 (LID) of the Stormwater Manual. Detention will be provided or post developed runoff will be less than predeveloped runoff due to LID implementation.

Federal Compliance:

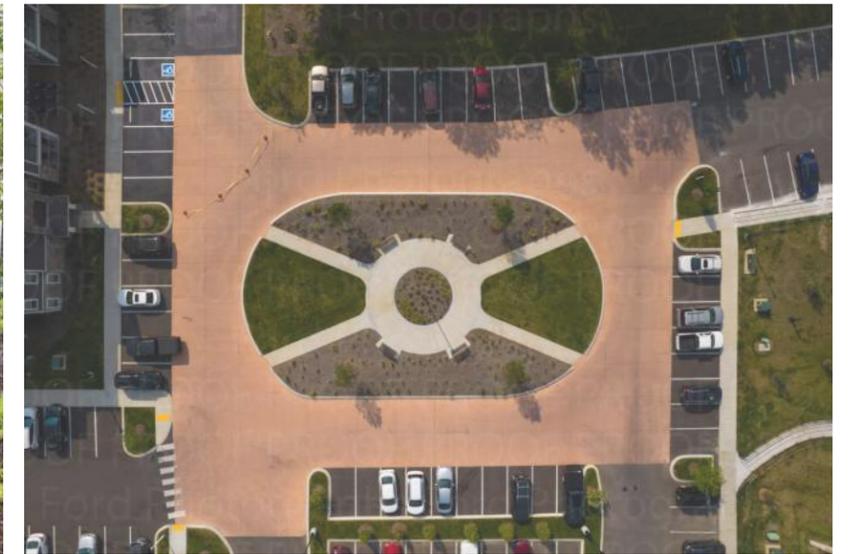
26. All development within the boundaries of this plan will meet the requirements of the Americans with Disabilities Act and the Fair Housing Act.

Development Notes:

27. Development to dedicated a Min. 50 foot right-of-way and construct a public street through the property as indicated on the Regulatory Plan.

28. Overall building height shall be measured per Metro Code. An additional "basement" level may be provided internally to the development where topography allows for additional sub-level development. A basement level shall be defined in accordance with the applicable building code. A minimum of 50% of a basement level shall be located below grade in order to not be counted as an additional story.
29. The final site plan/ building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.

VISIONING IMAGERY



SUBSTITUTE ORDINANCE NO. BL2021-903

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 amending the Bowling House Neighborhood Conservation Overlay District to include properties located at ~~4200 through 4412 Utah Avenue and 4200 through 4402 Nebraska Avenue~~131 and 133 44th Avenue N, 4200 through 4411 Nebraska Avenue, and 4303 through 4412 Utah Avenue, zoned RS7.5 (~~13.87~~ 11.12 acres), all of which is described herein (Proposal No. 2017NHC-003-002).

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 amending the Bowling House Neighborhood Conservation Overlay District to include properties located at ~~4200 through 4412 Utah Avenue and 4200 through 4402 Nebraska Avenue~~ 131 and 133 44th Avenue N, 4200 through 4411 Nebraska Avenue, and 4303 through 4412 Utah Avenue, zoned RS7.5 (~~13.87~~ 11.12 acres), being various Property Parcels Nos.as designated on various Maps 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 on Map 103 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:

Kathleen Murphy
Member of Council

2017NHC-003-002
 Map 103-04, Parcel(s) 118-123, 144-148, 170-176, 178-184, 190-198, 217-222, 229-237, 446, 467, 470
 Map 103-04-0-Y, Parcel(s) 001-002, 900
 Map 103-04-0-Z, Parcel(s) 001-002, 900
 Subarea 07, West Nashville
 District 24 (Kathleen Murphy)
 Application fee paid by: Fee waived by Council

A request to amend the Bowling House Neighborhood Conservation Overlay District to include properties located at 4200 through 4412 Utah Avenue and 4200 through 4402 Nebraska Avenue 131 and 133 44th Avenue N, 4200 through 4411 Nebraska Avenue, and 4303 through 4412 Utah Avenue, zoned RS7.5 (43.87 11.12 acres), requested by Councilmember Kathleen Murphy, applicant; various owners.



STANPAR	Owner	PropAddr	PropHouse	PropStreet	PropSuite	PropCity	PropState	PropZip
10304011800	ALEXANDER, WARREN	4400 UTAH AVE	4400	UTAH AVE		NASHVILLE	TN	37209
10304011900	VANOYE, CARLOS G. & CHRISTI R.	4402 UTAH AVE	4402	UTAH AVE		NASHVILLE	TN	37209
10304012000	ARTIBEE, KAY & EVERTSON, CARL	4404 UTAH AVE	4404	UTAH AVE		NASHVILLE	TN	37209
10304012100	GREENE, ROBERT JR. & STEPHANIE	4406 UTAH AVE	4406	UTAH AVE		NASHVILLE	TN	37209
10304012200	POKLAD, ANDREW P. & THOMPSON, COURTNEY HEARN	4410 UTAH AVE	4410	UTAH AVE		NASHVILLE	TN	37209
10304012300	HOUGHTON, JOHN D. & MEKAYLE HINKATY	4412 UTAH AVE	4412	UTAH AVE		NASHVILLE	TN	37209
10304014400	FRIEDMAN, LISA R.	4304 UTAH AVE	4304	UTAH AVE		NASHVILLE	TN	37209
10304014500	CLARK, JEAN-MARIE ELIZABETH BIBB & RYAN NELSON	4306 UTAH AVE	4306	UTAH AVE		NASHVILLE	TN	37209
10304014600	LANGFORD, MARY B.	4308 UTAH AVE	4308	UTAH AVE		NASHVILLE	TN	37209
10304014700	SNAPE, MARK & JENNIFER RAE	4310 UTAH AVE	4310	UTAH AVE		NASHVILLE	TN	37209
10304014800	FUNKE, MARTHA M., TRUSTEE	4312 UTAH AVE	4312	UTAH AVE		NASHVILLE	TN	37209
10304017000	LOFTIS, JAMES K. & JENNIFER E.	4411 UTAH AVE	4411	UTAH AVE		NASHVILLE	TN	37209
10304017100	DEAN, JOSEPHINE S., TRUSTEE	4409 UTAH AVE	4409	UTAH AVE		NASHVILLE	TN	37209
10304017200	VITULLI, CHRISTY COLEMAN & CLARK JOSEPH	4405 UTAH AVE	4405	UTAH AVE		NASHVILLE	TN	37209
10304017300	LUTHER, ROBERT E. & LINDA LEE	4403 UTAH AVE	4403	UTAH AVE		NASHVILLE	TN	37209
10304017400	FREEMAN, ROBERT K. & PATRICIA A.	4401 UTAH AVE	4401	UTAH AVE		NASHVILLE	TN	37209
10304017500	LAMB, KATHRYN M.	131 44TH AVE N	131	44TH AVE N		NASHVILLE	TN	37209
10304017600	LAMB, KATHRYN M.	4400 NEBRASKA AVE	4400	NEBRASKA AVE		NASHVILLE	TN	37209
10304017800	DESPREZ, JULIA KING	4404 NEBRASKA AVE	4404	NEBRASKA AVE		NASHVILLE	TN	37209
10304017900	WALKER, REBECCA CHAMBLIN	4406 NEBRASKA AVE	4406	NEBRASKA AVE		NASHVILLE	TN	37209
10304018000	MOORE, MITCHELL	4408 NEBRASKA AVE	4408	NEBRASKA AVE		NASHVILLE	TN	37209
10304018100	EGBERT, KATHERINE F.	4410 NEBRASKA AVE	4410	NEBRASKA AVE		NASHVILLE	TN	37209
10304018200	LIBERTY PIKE PARTNERS GP	4311 UTAH AVE	4311	UTAH AVE		NASHVILLE	TN	37209
10304018300	MCDEVITT, EMILY J. & JONATHAN A.	4309 UTAH AVE	4309	UTAH AVE		NASHVILLE	TN	37209
10304018400	GLENNON, MICHAEL S., JR.	4307 UTAH AVE	4307	UTAH AVE		NASHVILLE	TN	37209
10304019000	DANIELEY, ANDREW & MARY DANIEL	4200 NEBRASKA AVE	4200	NEBRASKA AVE		NASHVILLE	TN	37209
10304019100	HURSTON, BROCK THERRELL ET AL	4202 NEBRASKA AVE	4202	NEBRASKA AVE		NASHVILLE	TN	37209
10304019200	WILSON, BRAD A. & SARAH K.	4204 NEBRASKA AVE	4204	NEBRASKA AVE		NASHVILLE	TN	37209
10304019300	SMITH, SPENCER M. IRREVOCABLE TRUST & ET AL	4206 NEBRASKA AVE	4206	NEBRASKA AVE		NASHVILLE	TN	37209
10304019400	WIGGINS, JEFFERY TODD & MARY JO	4208 NEBRASKA AVE	4208	NEBRASKA AVE		NASHVILLE	TN	37209
10304019500	GONZALEZ, FRANCISCO & MIGUEL	4302 NEBRASKA AVE	4302	NEBRASKA AVE		NASHVILLE	TN	37209
10304019600	EINSTEIN, FRANK H. & NANCY STETTEN	4304 NEBRASKA AVE	4304	NEBRASKA AVE		NASHVILLE	TN	37209
10304019700	EINSTEIN, FRANK H. ET UX	4306 NEBRASKA AVE	4306	NEBRASKA AVE		NASHVILLE	TN	37209
10304019800	HEERMAN, WILLIAM J. & JENNIFER K.	4310 NEBRASKA AVE	4310	NEBRASKA AVE		NASHVILLE	TN	37209
10304021700	MASKEW, MONVEL T. ETUX	4411 NEBRASKA AVE	4411	NEBRASKA AVE		NASHVILLE	TN	37209
10304021800	NELSON, KENNETH A.	4409 NEBRASKA AVE	4409	NEBRASKA AVE		NASHVILLE	TN	37209
10304021900	STONE, WHITNEY M.	4407 NEBRASKA AVE	4407	NEBRASKA AVE		NASHVILLE	TN	37209
10304022000	GREER, JACK & KATHERINE	4405 NEBRASKA AVE	4405	NEBRASKA AVE		NASHVILLE	TN	37209
10304022100	CRACRAFT, JAMES M. & MEI-YEN	4403 NEBRASKA AVE	4403	NEBRASKA AVE		NASHVILLE	TN	37209
10304022200	PIGG, EDWIN VECIE ETUX	4401 NEBRASKA AVE	4401	NEBRASKA AVE		NASHVILLE	TN	37209
10304022900	SERCK, MATTHEW & EMILY	4311 NEBRASKA AVE	4311	NEBRASKA AVE		NASHVILLE	TN	37209
10304023000	STEIN, SARAH K.	4309 NEBRASKA AVE	4309	NEBRASKA AVE		NASHVILLE	TN	37209
10304023100	DOLAN, MARY	4307 NEBRASKA AVE	4307	NEBRASKA AVE		NASHVILLE	TN	37209
10304023200	MCDONALD, STEPHEN MARSHALL & KATHERINE SKILES	4303 NEBRASKA AVE	4303	NEBRASKA AVE		NASHVILLE	TN	37209
10304023300	MOORE, KAREN B.	4301 NEBRASKA AVE	4301	NEBRASKA AVE		NASHVILLE	TN	37209
10304023400	BAILEY, NICHOLAS D.	4209 NEBRASKA AVE	4209	NEBRASKA AVE		NASHVILLE	TN	37209
10304023500	HINOTE, KENDALL HOOKER	4207 NEBRASKA AVE	4207	NEBRASKA AVE		NASHVILLE	TN	37209
10304023600	KIRCHNER, FRED K. & RAYNER, ELIZABETH ANNE	4205 NEBRASKA AVE	4205	NEBRASKA AVE		NASHVILLE	TN	37209
10304023700	BENNETT, LONNIE ETUX	4201 NEBRASKA AVE	4201	NEBRASKA AVE		NASHVILLE	TN	37209
10304044600	KITOS, EMILY J.	133 44TH AVE N	133	44TH AVE N		NASHVILLE	TN	37209
10304046700	BETTERS, KRISTINA & ZUCKERMAN, ADAM	4210 NEBRASKA AVE	4210	NEBRASKA AVE		NASHVILLE	TN	37209
10304047000	DESPREZ, JULIA KING	4402 NEBRASKA AVE	4402	NEBRASKA AVE		NASHVILLE	TN	37209
103040Y00100CO	RICHLAND BUILDING PARTNERS, LLC	4303 A UTAH AVE	4303	UTAH AVE		NASHVILLE	TN	37209
103040Y00200CO	RICHLAND BUILDING PARTNERS, LLC	4303 B UTAH AVE	4303	UTAH AVE		NASHVILLE	TN	37209
103040Y90000CO	O.I.C. 4303 UTAH AVENUE TOWNHOMES AMENDE	4303 C UTAH AVE	4303	UTAH AVE		NASHVILLE	TN	37209
103040Z00100CO	RICHLAND BUILDING PARTNERS, LLC	4305 A UTAH AVE	4305	UTAH AVE		NASHVILLE	TN	37209
103040Z00200CO	RICHLAND BUILDING PARTNERS, LLC	4305 B UTAH AVE	4305	UTAH AVE		NASHVILLE	TN	37209
103040Z90000CO	O.I.C. 4305 UTAH AVENUE TOWNHOMES	4305 C UTAH AVE	4305	UTAH AVE		NASHVILLE	TN	37209

SUBSTITUTE ORDINANCE NO. BL2021-904

An ordinance to authorize building material restrictions and requirements for BL2021-903, a proposed amendment to the Bowling House Neighborhood Conservation Overlay District to include properties located at ~~4200 through 4412 Utah Avenue and 4200 through 4402 Nebraska Avenue~~ 131 and 133 44th Avenue N, 4200 through 4411 Nebraska Avenue, and 4303 through 4412 Utah Avenue, zoned RS7.5 (~~13.87~~ 11.12 acres) (Proposal No. 2017NHC-003-002). **THE PROPOSED ORDINANCE REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS.**

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

Section 1. That the building material restrictions and requirements as a part of BL2021-903, a proposed amendment to the Bowling House Neighborhood Conservation Overlay District located at ~~4200 through 4412 Utah Avenue and 4200 through 4402 Nebraska Avenue~~ 131 and 133 44th Avenue N, 4200 through 4411 Nebraska Avenue, and 4303 through 4412 Utah Avenue, as described in 'Exhibit A' are hereby authorized.

Section 2. Any request for a waiver from part or all of the building material restrictions and requirements contained within this ordinance shall be submitted to the Metropolitan Historic Zoning Commission at the time of application for a historic preservation permit.

Section 3. 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:

Kathleen Murphy
Member of Council

SUBSTITUTE RESOLUTION NO. RS2021-1125

A resolution requesting the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) ~~conduct a study~~ to determine the feasibility and cost of contracting with the State of Tennessee to allow for NDOT to maintain some state routes in Davidson County.

WHEREAS, the Tennessee Department of Transportation (TDOT) is responsible for the maintenance of roughly 715 center lane miles of roadway, of which 114 miles are controlled-access highways in Davidson County ~~state highways and roadways in Davidson County~~; and

WHEREAS, local governments are authorized to contract with the TDOT for reimbursement for the maintenance of state highways and roadways, including litter pickup and grass mowing within the associated right-of-way; and

WHEREAS, the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) maintains 2,578 centerline miles of local streets throughout Nashville and Davidson County; and

WHEREAS, allowing NDOT to take over the maintenance of some state routes in throughout Davidson County could help streamline services for Nashville residents and provide a single point of contact for issues related to roadway maintenance; and

WHEREAS, NDOT should ~~conduct a study~~ to determine the feasibility and potential costs associated with contracting with the State of Tennessee to allow NDOT to maintain state highways and roadways, including the collection of litter, street and bike lane sweeping, and grass mowing along the public right-of-way.

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

Section 1. That the Metropolitan Council goes on record as requesting the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) ~~conduct a study~~ to determine the feasibility and cost of contracting with the State of Tennessee to allow for NDOT to maintain some state routes in Davidson County. The determination of the feasibility of this request should be given to the Metropolitan Council no later than February 1, 2022.

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

SPONSORED BY:

Angie Henderson
Member of Council

RESOLUTION NO. _____

A resolution approving amendment one to a Homeless Management Information System Capacity Building Project grant agreement between the U.S. Department of Housing and Urban Development (HUD) and the Metropolitan Government, acting by and through the Social Services Department, to contribute to the national effort to end homelessness.

WHEREAS, the Metropolitan Government, acting by and through the Social Services Department, previously entered into a grant agreement with the U.S. Department of Housing and Urban Development (HUD), to contribute to the national effort to end homelessness approved by RS2019-63; and,

WHEREAS, the parties wish to amend the grant agreement to extend the end date of the grant from September 30, 2021 to September 30, 2022, a copy of which amendment one is attached hereto; and,

WHEREAS, it is to the benefit of the citizens of the Metropolitan Government of Nashville and Davidson County that amendment one be approved.

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

Section 1. That amendment one to the grant by and between the U.S. Department of Housing and Urban Development (HUD) and the Metropolitan Government, acting by and through the Metropolitan Social Services Department, to contribute to the national effort to end homelessness, a copy of which amendment one is attached hereto and incorporated herein, is hereby approved, and the Metropolitan Mayor is authorized to execute the same.

Section 2. 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 AS TO AVAILABILITY OF FUNDS:

DocuSigned by:

Saul Solomon
Saul Solomon

Director of Finance

INTRODUCED BY:

Burke Miller

Greg Wild

APPROVED AS TO FORM AND AND LEGALITY:

DocuSigned by:

Derrick C. Smith

Metropolitan Attorney

GRANT SUMMARY SHEET

Grant Name: HUD Homeless Management Information System (HMIS) 19-20
Amend. 1

Department: SOCIAL SERVICES

Grantor: U.S. DEPARTMENT OF HOUSING & URBAN
DEVELOPMENT

**Pass-Through Grantor
(If applicable):**

Total Award this Action: \$0.00

Cash Match \$0.00

Department Contact: Judy Tackett
862-6406

Status: AMENDMENT

Program Description:

Transmittal of Assignment and Assumption Grant Agreement from U.S. Department of Housing and Urban Development (HUD) for the Homeless Management Information System(HMIS). Amendment 1 extends the deadline from 9/30/21 to 9/30/22. No additional funds will be received.

Plan for continuation of services upon grant expiration:

We plan to apply for continued funding in future periods; in addition private donations will be generated to continue this effort.

Grants Tracking Form

Part One

Pre-Application <input type="radio"/>		Application <input type="radio"/>		Award Acceptance <input type="radio"/>		Contract Amendment <input checked="" type="radio"/>	
Department	Dept. No.	Contact		Phone	Fax		
SOCIAL SERVICES	037	Judy Tackett		862-6406	862-6404		
Grant Name:	HUD Homeless Management Information System (HMIS) 19-20 Amend. 1						
Grantor:	U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT		Other:				
Grant Period From:	09/30/19	<small>(applications only) Anticipated Application Date:</small>					
Grant Period To:	09/30/22	<small>(applications only) Application Deadline:</small>					
Funding Type:	FED DIRECT	Multi-Department Grant		<input type="checkbox"/> If yes, list below.			
Pass-Thru:		Outside Consultant Project:		<input type="checkbox"/>			
Award Type:	FORMULA	Total Award:		\$0.00			
Status:	AMENDMENT	Metro Cash Match:		\$0.00			
Metro Category:	Est. Prior.	Metro In-Kind Match:		\$0.00			
CFDA #	14.261	Is Council approval required?		<input checked="" type="checkbox"/>			
Project Description:	Transmittal of Assignment and Assumption Grant Agreement from U.S. Department of Housing and Urban Development (HUD) for the Homeless Management Information System(HMIS). Amendment 1 extends the deadline from 9/30/21 to 9/30/22. No additional funds will be received.						
Plan for continuation of service after expiration of grant/Budgetary Impact:							
We plan to apply for continued funding in future periods; in addition private donations will be generated to continue this effort.							
How is Match Determined?							
Fixed Amount of \$		or	% of Grant		Other: <input type="checkbox"/>		
Explanation for "Other" means of determining match:							
For this Metro FY, how much of the required local Metro cash match:							
Is already in department budget?		No		Fund	Business Unit		
Is not budgeted?		Proposed Source of Match:					
(Indicate Match Amount & Source for Remaining Grant Years in Budget Below)							
Other:							
Number of FTEs the grant will fund:		0.00		Actual number of positions added:			
Departmental Indirect Cost Rate		22.76%		Indirect Cost of Grant to Metro:			
*Indirect Costs allowed? <input checked="" type="radio"/> Yes <input type="radio"/> No		% Allow.		Ind. Cost Requested from Grantor:			
		10.00%		\$15,000.00 in budget			
<small>*(If "No", please attach documentation from the grantor that indirect costs are not allowable. See Instructions)</small>							
Draw down allowable? <input type="checkbox"/>							
Metro or Community-based Partners:							

Part Two

Grant Budget

Budget Year	Metro Fiscal Year	Federal Grantor	State Grantor	Other Grantor	Local Match Cash	Match Source (Fund, BU)	Local Match In-Kind	Total Grant Each Year	Indirect Cost to Metro	Ind. Cost Neg. from Grantor
Yr 1	FY20	\$50,000.00			\$0.00		\$0.00	\$50,000.00	\$11,380.00	\$5,000.00
Yr 2	FY21	\$50,000.00			\$0.00		\$0.00	\$50,000.00	\$11,380.00	\$5,000.00
Yr 3	FY22	\$50,000.00			\$0.00		\$0.00	\$50,000.00	\$11,380.00	\$5,000.00
Yr 4	FY__									
Yr 5	FY__									
Total		\$150,000.00	\$0.00	\$0.00	\$0.00		\$0.00	\$150,000.00	\$34,140.00	\$15,000.00
Date Awarded:			09/24/21	Tot. Awarded:		\$0.00	Contract#:		TN0321H4J041800	
(or) Date Denied:				Reason:						
(or) Date Withdrawn:				Reason:						

Contact: trinity.weathersby@nashville.gov
vaughn.wilson@nashville.gov

VW



Grant Number: TN0321H4J041800
Tax ID number: 62-0694743
DUNS Number: 782176680000

**AMENDMENT EXTENDING THE TERM OF THE
HOMELESS MANAGEMENT INFORMATION SYSTEM CAPACITY BUILDING
PROJECT GRANT AGREEMENT**

This Amendment is made by and between the United States Department of Housing and Urban Development (HUD) and Metropolitan Social Services of Nashville & Davidson County (the Recipient).

RECITALS

1. HUD and the Recipient entered into a Homeless Management Information System Capacity Building Project Grant Agreement dated September 30, 2019, Grant No. TN0321H4J041800, which expires September 30, 2021 (the Grant Agreement).
2. The Recipient has requested an extension due to the pandemic; the recipient have not been able to attend any conferences or trainings in person which has drastically reduced the cost. While the recipient has identified several virtual trainings and learning opportunities that they are taking advantage of, as well as, other opportunities for strengthening the data quality in HMIS, they still find enough funding to utilize for conferences next spring once there is a greater chance of in-person conferences resuming.

AGREEMENTS

The Grant Agreement is hereby amended as follows:

1. The term of the Grant Agreement is extended through September 30, 2022.

This Amendment to the Grant Agreement constitutes the entire agreement of the parties as to amendment of the Grant Agreement and will become effective only upon the execution hereof by all parties. The remaining terms of the Grant Agreement remain in full force and effect.

The parties, on the dates set forth below their respective signatures, hereby execute this Amendment to Grant Agreement, as follows:



UNITED STATES OF AMERICA

Department of Housing and Urban Development

By: The Secretary

By: _____
(Signature)

(Title)

(Date)

Recipient

By: *John Cooper*
(Authorized signatory)

John Cooper
(Type in name of authorized signatory)

September 24, 2021
(Date)

**SIGNATURE PAGE
FOR
GRANT NO. HUD Homeless Management Information System (HMIS) 19-20
Amend. 1**

IN WITNESS WHEREOF, the parties have by their duly authorized representatives set their signatures.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Renee Pratt
Renee Pratt, Executive Director
Metro Social Services

9/23/2021
Date

**APPROVED AS TO AVAILABILITY
OF FUNDS:**

DocuSigned by:
Saul Solomon /mjw
Saul Solomon, Director
Department of Finance

9/28/2021
Date

APPROVED AS TO RISK AND INSURANCE:

DocuSigned by:
Balogun Cobb
Director of Insurance

9/29/2021
Date

**APPROVED AS TO FORM AND
LEGALITY:**

DocuSigned by:
Derrick C. Smith
Metropolitan Attorney

9/29/2021
Date

"See previous Page"
John Cooper
Metropolitan Mayor

Date

ATTEST:

Metropolitan Clerk

Date

JOHN COOPER
MAYOR

RENEE PRATT
EXECUTIVE DIRECTOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

METROPOLITAN SOCIAL SERVICES
800 2ND AVENUE NORTH, SUITE 100
NASHVILLE, TENNESSEE 37201

To Whom It May Concern,

Metro Social Services is requesting to late file a grant extension from HUD for our HMIS Capacity Building. We did not received notification from HUD about this until Monday September 20th. They also requested it be signed and retuned by Friday September 24th. This did not allow for enough time to go through the normal procedure. Metro Legal allowed the Mayor to sign off to meet the September 24th deadline. With the original grant ending on September 30th and the extension starting October 1st, Social Services would like to have the least amount of gap possible between the two contracts.

9-27-21

Andrew Sullivan
Chief Financial Officer
Metro Social Services

ORDINANCE NO. BL2021-___

An Ordinance naming the County Clerk's Office Lobby at the Howard Office Building in honor of Mike Taylor, Chief Deputy Clerk of the Davidson County Clerk's Office.

WHEREAS, Mike Taylor graduated Antioch High School in 1969 and served in the United States Army from 1970 – 1972. He held the positions of private and sergeant and was stationed in Vietnam during the war; and

WHEREAS, Mike Taylor began his career with the Metropolitan Government of Nashville and Davidson County on March 14, 1973. He was responsible for moving license plates out of the Metro Courthouse boiler room; and

WHEREAS, as Chief Deputy Clerk, Mike Taylor monitored operations of the office, advised the County Clerks on Tennessee State law, motor vehicle regulations and policies, maintained rapport with counterparts in the Tennessee Department of Revenue, the Motor Vehicle Dealer Commission, and numerous Metro departments, and assured that all assets of the County Clerk's Office were secured and safeguarded daily; and

WHEREAS, after 49 years of service, Mike Taylor retires on March 14, 2022, joining a select group of the longest tenured employees of the Metropolitan Government and only one of six active employees with over 45 years of service; and

WHEREAS, Mike Taylor was an integral part of the administration of five County Clerks, R.E. Worrall, Bill McPherson, Bill Covington, John Arriola, and Brenda Wynn; serving each with honor and fidelity; and

WHEREAS, Mike Taylor has served under every mayor of Nashville after the consolidation of the municipal government with the government of Davidson County, from Mayor Beverly Briley to Mayors Richard Fulton, Bill Boner, Phil Bredesen, Bill Purcell, Karl Dean, Megan Barry, David Briley and John Cooper; and

WHEREAS, Mike Taylor is a loving husband, a father of two, a grandfather of two, an avid traveler, a dedicated public servant, and a beloved and highly respected colleague; and

WHEREAS, Mike Taylor's immeasurable contributions to the Davidson County Clerk's Office and his impact on the City of Nashville are a lasting legacy which will be felt far beyond retirement; and

WHEREAS, Section 13.26.010 of the Metropolitan Code provides that no building or structure of the Metropolitan Government may be named except pursuant to an ordinance duly adopted by the Metropolitan Council; and

WHEREAS, given the many years of dedicated and faithful service to the Metropolitan Government and the residents of Nashville and Davidson County, it is fitting and proper that a facility at the Howard Office Building be named in honor of Mike Taylor.

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

Section 1. That the lobby of the County Clerk's Office on the first floor of the Howard Office Building is hereby named "Mike Taylor Lobby".

Section 2. That the Department of General Services is directed to erect the proper signage designating the lobby of the County Clerk's Office as "Mike Taylor Lobby."

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

INTRODUCED BY:

Sharon Hurt

Bob Nash
Members of Council

ORDINANCE NO. BL2021-___

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 OL zoning for property located at Hobson Pike (unnumbered), approximately 115 feet southwest of Windcrest Trail (4.0 acres), all of which is described herein (Proposal No. 2021Z-024PR-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 OL zoning for property located at Hobson Pike (unnumbered), approximately 115 feet southwest of Windcrest Trail (4.0 acres), being Property Parcel No. 296 as designated on Map 164-00 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the 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 164 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.

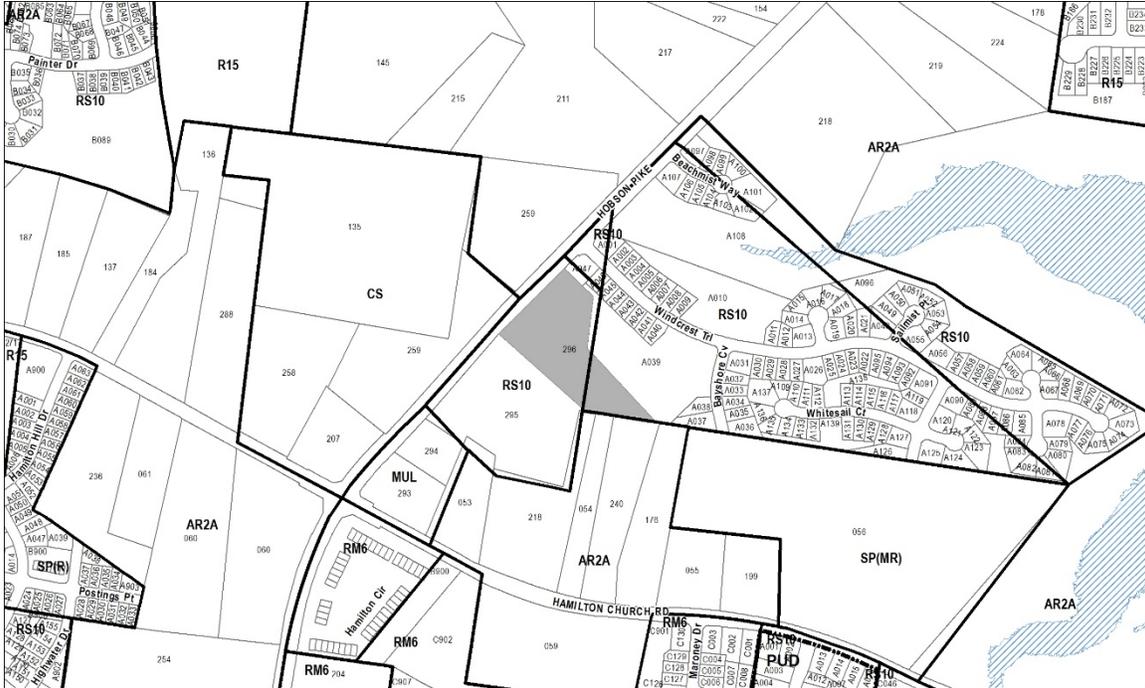
Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Antoinette Lee
Member of Council

2021Z-024PR-001
Map 164, Parcel(s) 296
Subarea 13, Antioch - Priest Lake
District 33 (Antoinette Lee)
Application fee paid by: Resurrected Life Church International

A request to rezone from RS10 to OL zoning for property located at Hobson Pike (unnumbered), approximately 115 feet southwest of Windcrest Trail (4.0 acres), requested by Resurrected Church, applicant and owner.



AMENDMENT NO. ____
TO
ORDINANCE NO. BL2021-787

Mr. President –

I hereby move to amend Ordinance No. BL2021-787 as follows:

I. By adding the following condition to Section 4:

11. All building material restrictions and requirements shall be authorized by BL2021-887

INTRODUCED BY:

Sean Parker
Member of Council

SUBSTITUTE ORDINANCE NO. BL2021-911

An Ordinance amending Chapter 2.100 of the Metropolitan Code pertaining to the composition of the Metropolitan Transportation Licensing Commission, amending Title 6 of the Metropolitan Code pertaining to the operation and regulation of Entertainment Transportation Vehicles, amending Section 9.20.020 pertaining to vehicle noise, and amending Sections 6.75.240, 7.24.040, and 12.54.210 of the Metropolitan Code pertaining to the consumption of alcoholic beverages in vehicles.

WHEREAS, each day, businesses make decisions regarding where to operate, residents assess their neighborhood's quality of life, and visitors (business and families alike) decide which destinations are safe places to visit; and

WHEREAS, the recent proliferation of entertainment transportation vehicles in Nashville poses safety concerns for passengers in such vehicles, pedestrians, and other motorists; and

WHEREAS, residents and businesses in the downtown area have recently expressed concerns about downtown being "out of control" as a result of the party-like atmosphere, specifically as it relates to entertainment transportation vehicles where passengers are consuming alcoholic beverages or beer; and

WHEREAS, the Metropolitan Council is concerned that a continued failure to regulate entertainment transportation vehicles will permanently erode the cultural character of Nashville's neighborhoods that has made the city a vibrant and enjoyable place to live, work, and visit; and

WHEREAS, Section 2.01(22) of the Metropolitan Charter authorizes the Metropolitan Government to regulate the operation of vehicles held out to the public use for hire; and

WHEREAS, Section 2.01(40) of the Metropolitan Charter authorizes the Metropolitan Council to pass all ordinances necessary for the health, convenience, safety, and general welfare of the inhabitants, and to carry out the full ~~intend~~ intent and meaning of the Charter; and

WHEREAS, Tenn. Code Ann. § 55-10-416 authorizes local governments to prohibit open containers of alcoholic beverages and beer in a motor vehicle while it is in operation; and

WHEREAS, consuming alcohol ~~on~~ in an unenclosed vehicle in motion is inherently dangerous; and

WHEREAS, the Metropolitan Council has determined that it is necessary for the protection health, safety, and welfare to enact a comprehensive regulatory scheme for entertainment transportation vehicles, and to prohibit the consumption of alcoholic beverages and beer in motor vehicles.

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

Section 1. Section 2.100.010 of the Metropolitan Code is hereby amended by deleting the provisions of such section in their entirety and substituting with the following:

2.100.010 Created—Membership.

~~There is created a metropolitan transportation licensing commission. Such board shall consist of eleven members who shall serve without compensation for a term of four years or until their successors are appointed. Of the eleven members, eight members shall be appointed by the mayor and confirmed by a majority vote of the whole membership of the metropolitan council. At least one of the eight members appointed by the mayor shall be a resident within the area of the~~

~~Downtown or Gulch Central Business Improvement District. For the remaining three membership positions, one member shall be selected by the board of directors Nashville Area Chamber of Commerce, one member shall be selected by the board of directors of the Nashville Convention and Visitors Corporation, and one member shall be selected by the board of directors of the Nashville Downtown Partnership.~~

There is created a metropolitan transportation licensing commission. Such board shall consist of nine public members to be appointed by the mayor and confirmed by a majority vote of the whole membership of the metropolitan council, and who shall serve without compensation for a term of two years or until their successors are appointed. At least one member shall be a resident within the area of the Downtown or Gulch Central Business Improvement District; and one member shall be a representative of the hospitality sector, to be appointed by the mayor from a list of three persons recommended jointly by the board of directors Nashville Area Chamber of Commerce, the board of directors of the Nashville Convention and Visitors Corporation, and the board of directors of the Nashville Downtown Partnership.

Section 2. Title 6 of the Metropolitan Code is hereby amended by adding the following new Chapter 6.77 to become effective on April 1, 2022:

Chapter 6.77 ENTERTAINMENT TRANSPORTATION

6.77.010 Definitions.

For purposes of this chapter:

"Certificate" means a certificate of public convenience and necessity, a license granted, upon application and approval, by the metropolitan transportation licensing commission for the sole purpose of authorizing the certificate holder to provide entertainment transportation through an entertainment transportation vehicle.

"Certificate holder" means a person, company, corporation or association which has applied for, and been granted, a certificate of public necessity and convenience.

"Driver" means any individual who physically operates an entertainment transportation vehicle as a for-hire vehicle under this chapter. This person may share additional, company-related titles, such as owner, employee of the owner, holder or independent contractor.

"Driver permit" means a permit issued by the MTLC to drive and operate an entertainment transportation vehicle.

"Enclosed Vehicle" means any motor vehicle that is fully enclosed by metal, plexiglass or glass on all sides and on the top/roof. Any vehicle not meeting this definition would constitute an "unenclosed vehicle." A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a pickup truck or a wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle "side" must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, but all windows shall be fully raised while the vehicle is in operation and any passenger is in possession of an open container. Enclosed vehicles shall

maintain any required emergency access or exits but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.

"Entertainment transportation vehicle" means any motor vehicle that is designed or constructed to accommodate and transport more than one ~~passengers~~ passenger for hire, the principal operation of which is confined to the area within the Metropolitan area, whether it is operated on a fixed route or schedule, and where the passengers hire the motor vehicle not only as a means of transportation but also for some entertainment or social purpose. "Entertainment transportation" includes, but is not limited to, trucks, buses, and wagons/trailers pulled by a motor vehicle. "Entertainment transportation" does not include a limousine, sedan, shuttle, taxicab, or electric-assist pedal carriage.

"Entertainment transportation vehicle permit" means a permit issued by the MTLC for an entertainment transportation vehicle to carry passengers.

"Entertainment transportation vehicle driver's permit" means a permit issued by the MTLC for a person to operate an entertainment transportation vehicle to carry passengers.

"For hire" means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received by a driver, employee, agent, owner, or any other representative of an entertainment transportation vehicle in exchange for the temporary use by or for the transportation of a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge; or otherwise in conjunction with the purchase of any other services wherein the entertainment transportation is part of the services provided.

"Holder" means a person to whom a certificate of public convenience and necessity has been issued by the commission.

"Inspector(s)" means the inspector(s) for the commission.

"Metro" means the Metropolitan Government of Nashville and Davidson County.

"Metropolitan area" means the area that comprises Nashville and Davidson County.

"Metropolitan transportation licensing commission", also referred to as "MTLC" or "the commission", means the metropolitan transportation licensing commission as established by the Metropolitan Code.

"MTLC director" means the director/executive secretary of the MTLC, as employed by the ~~metropolitan department of public works~~ Nashville Department of Transportation and Multi-modal Infrastructure on behalf of the MTLC.

"Owner" means the person who holds the legal title of the entertainment transportation vehicle.

"Passenger" means any person on an entertainment transportation vehicle other than the driver.

"Person" means any individual, partnership, corporation, association or public or private organization of any character.

"Permittee" means a holder of any permit issued under this chapter.

"Solicit" means the distribution of flyers or other material, or an appeal by bell, horn, whistle, words, or gestures by a driver or his or her agent directed at individuals or groups for the purpose of attracting passengers for immediate hire.

"Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, donation, gratuity or any other form of remuneration, having a seating capacity of less than nine persons and not operated on a fixed route.

"Traffic and parking commission" means the Metropolitan Traffic and Parking Commission as established by the Metropolitan Charter and Code of Laws.

Article I. Certificate of Public Convenience and Necessity

6.77.020 Required and term.

- A. No entertainment transportation vehicle shall be used or operated on a for hire basis by any person in the territorial jurisdiction of the metropolitan government without an owner or operator having first obtained a certificate of public convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article. Applications will be reviewed and considered at an annual meeting on a date set by the MTLC.
- B. It shall be unlawful for any person to transport or offer to transport passengers in any entertainment transportation vehicle which does not have affixed to the entertainment transportation vehicle a valid permit issued through the MTLC.
- C. Certificates shall not be transferred, sold or given from one owner to another including the sale of one entertainment transportation vehicle company in its entirety to another without approval of the MTLC upon the filing of an application for such transfer.
- D. The MTLC shall track all certificates, and after the renewal period, if the certificate has not been renewed it shall be determined to be void.

6.77.030 Findings—Issuance of certificate or additional permits.

- A. If the MTLC finds that further or additional entertainment transportation vehicle service in the metropolitan government area is required by the public convenience and necessity and that the applicant is fit, willing, and able to provide such service and to conform to the provisions of this chapter and the rules promulgated by the MTLC, the MTLC may issue a certificate of public convenience and necessity, stating the name and address of the applicant, the number of vehicles authorized upon such certificate and the date of issuance.
- B. In making the above findings, the MTLC shall, at a minimum, take into consideration the number of entertainment transportation vehicles already in operation, whether existing service is adequate to meet the public need; the character, experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the MTLC in its rules.

6.77.040 Application—Information and fees required.

- A. An application for a certificate of public convenience and necessity shall be filed with the MTLC for each classification of service to be provided. Forms will be provided by the MTLC and payment of a nonrefundable fee will be charged. The amount of the application fee shall be established by the MTLC based upon the cost of processing the application.
- B. The application shall require the following information:
 - 1. Name and address of applicant;
 - a. Sole-proprietor—Name and address of the owner.

- b. Partnership-Names and addresses of all partners.
 - c. Corporation or association—Names and addresses of all the officers, directors, and members.
2. Business name (d/b/a), business address and telephone number if different from above;
 3. A background check of each person;
 4. Proof of U.S. citizenship or legal residency ~~for each person~~;
 5. Names and addresses of two references as to the applicant's financial responsibility;
 6. Prior experience of applicant in transport of passengers;
 7. Number of vehicle permits requested, and copy of proof of ownership or other evidence of lawful control for each vehicle to be operated under the certificate;
 9. Procedures for training drivers;
 10. Rules and regulations governing driver appearance and conduct;
 11. Disclosure of prior state law or Metropolitan Code violations pertaining to noise from motor vehicles, lewd conduct as part of a commercial business, or alcoholic beverage open container laws;
1112. Any additional information the applicant desires to include to aid in the determination of whether the requested certificate should be issued; and
1113. Such further information as the MTLC may require.
- C. An applicant will be ineligible for consideration if:
1. Any of the owners, partners, officers, directors, or members are under twenty-one years of age and/or entertainment transportation vehicle business has no separate legal existence beyond a shareholder, owner, or partner who is under the age of ~~eighteen~~21 years of age;
 2. Any of the owners, partners, officers, directors, or members has been convicted of, forfeited bond, pleaded guilty or nolo contendere to, or been released from incarceration for a felony ~~or any crime involving a controlled substance~~, prostitution, assignation, obscenity, or any crime of a sexual nature in any jurisdiction within ten years immediately preceding the date of application; or has been convicted of, forfeited bond, or pleaded guilty or nolo contendere to multiple felonies.
 3. Any of the owners, partners, officers, directors, or members has violated any portion of this chapter ~~or of Chapter 6.72~~ of the Metropolitan Code within five years immediately preceding the date of application.
 4. Any portion of the application is incomplete or contains incorrect or untruthful information.
- D. An applicant will be ineligible for consideration for a one year period if any owner, partner, officer, director, or member has been found guilty by a court of competent jurisdiction of violating state law or Metropolitan Code provisions three or more times within the past 365 days pertaining to noise from motor vehicles, lewd conduct as part of a commercial business, and/or alcoholic beverage open containers.

6.77.050 Issuance and denial—Fees.

- A. If the MTLC or the MTLC director determines that further entertainment transportation vehicle services are required and the applicant is qualified, the MTLC or MTLC director may issue a certificate.
- B. The MTLC shall adopt the criteria for determining the necessity for additional entertainment transportation vehicle certificates.
- C. Any person whose application for a certificate is denied by the MTLC director may file a written appeal with the MTLC within thirty days of denial and request an appearance before the MTLC and appear in-person for consideration of the certificate application.
- D. The certificate shall state the name, business address and telephone number of the applicant and the date of expiration.
- E. The MTLC will set a fee to be charged for the issuance of each approved entertainment transportation vehicle permit associated with the certificate.

6.77.060 Annual renewal.

- A. All certificates issued under the provisions of this chapter shall expire on April 30 of the year following the date on which the certificate was issued. All certificates may be renewed by the MTLC director for each successive year between April 1 and 30 of each year. A renewal fee for each approved certificate and other licensing fees shall be charged at the annual renewal of the certificate.
- B. All applicants for renewal must be current with all assessments and taxes due to the metropolitan government.
- C. If a licensed entertainment transportation vehicle company or individual fails to renew prior to the end of the renewal period, the renewal applicant shall be treated as a new applicant.

6.77.070 Insurance required.

- A. Before any certificate shall be issued by the commission director, or before the renewal of such certificate shall be granted, the applicant or association shall be required to file an insurance policy and/or certificate of insurance with the MTLC director evidencing insurance coverage as required in this section.
- B. Insurance coverage as provided in subsection (A) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the state and naming the metropolitan government as an additional insured. Any policy of public liability insurance issued in compliance with this article shall be for a term of not less than one year, and for any entertainment transportation vehicle insured ~~there under~~ thereunder shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any entertainment transportation vehicle, with the minimum amount of insurance to be one million dollars, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty days written notice to the commission director.
- C. Such certificate will certify that the policy provides for a minimum of ~~one~~ five million dollars per entertainment transportation vehicle for liability imposed by law for damages on account of bodily injuries, death or personal damages, other than injuries, death or property damages of the company or driver, in any one accident resulting from the ownership, maintenance or

use of such entertainment transportation vehicle. The certificate of insurance shall also list the serial number or identification number of each entertainment transportation vehicle that is insured.

- D. The operation of any entertainment transportation vehicle within the metropolitan area without having in force the public liability insurance policy as outlined in this section is hereby declared to be a violation of this article, subjecting the owner and/or certificate holder to all applicable penalties provided in this article and this chapter.
- E. Any changes in insurance must be reported to the commission immediately.

6.77.080 Request for additional vehicle permits.

An application for additional entertainment transportation vehicle permits under the certificate issued pursuant to this Article must be filed with the MTLC ~~or the~~ MTLC director. If approved, the established permit fee will be applied.

6.77.090 Suspension and revocation.

- A. A certificate issued under the provisions of this chapter may be revoked, suspended, placed on probation, otherwise restricted, or not renewed by the MTLC if the holder thereof has:
 - 1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTLC;
 - 2. Violated any provision of this code or other ordinances of the metropolitan government or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably on the fitness of the holder to offer transportation services, including but not limited to, violations for excessive noise or alcoholic beverage open containers;
 - 3. Failed to pay assessments or taxes due to the metropolitan government; or
 - 4. Made a misrepresentation or false statement when obtaining a certificate or additional permits, or transferring a certificate.
- B. Prior to any action to revoke, suspend, place on probation, otherwise restrict, or not renew a certificate, the holder shall be given notice to the address listed on their certificate of the proposed action to be taken and shall have an opportunity to be heard by the MTLC.
- C. If the holder commits an act in violation of the criminal laws of the United States of America or state of Tennessee Code and the MTLC director determines that holder poses a threat to the public safety, the MTLC director may enact an emergency suspension of the holder's certificate to remain in effect until the holder has the opportunity to be heard by the MTLC at the next available meeting, but in no circumstance later than 60 days from the date of the emergency suspension.

6.77.100 ~~Reserved. Enforcement by police officers.~~

~~Officers of the Metropolitan Nashville Police Department shall have the authority to enforce this chapter. A police officer, upon observing a violation of this chapter, of any regulation or rule established by the MTLC or the MTLC director pursuant to this chapter, shall take necessary enforcement action to insure effective regulation of entertainment transportation vehicles.~~

Article II. Vehicle and Driver Permits

6.77.110 Permit required—Violations and term.

- A. No person shall drive or otherwise operate an entertainment transportation vehicle engaged in the transportation of passengers unless he or she has a driver's permit and a currently effective Tennessee commercial driver's license. To qualify for a permit, an applicant must comply with all of the requirements and stipulations of this chapter and any rules and regulations adopted by the MTLC.
- B. A person commits an offense if he or she operates an entertainment transportation vehicle in the Metro area without a driver's permit issued by the MTLC.
- C. A business commits an offense if it employs or otherwise allows a person to operate an entertainment transportation vehicle owned, controlled, or operated by the permittee unless the person has a driver's permit issued by the MTLC.
- D. Each permit shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article.

6.77.120 Application—Information and fees required.

- A. An application for an entertainment transportation vehicle driver's permit shall be filed with the MTLC on forms provided by the MTLC.
- B. Such application shall be certified under oath and shall at a minimum contain the following information:
 - 1. The name, residential address, telephone number and date of birth of the applicant. No applicant under eighteen years of age will be accepted.
 - 2. The type(s) of vehicle(s) which the applicant will drive under the certificate.
 - 3. The years of experience of the applicant in the transportation industry.
 - 4. The educational background of the applicant.
 - 5. A concise history of the applicant's employment.
- C. The applicant shall provide copies of the following documents in order to submit his application:
 - 1. A valid driver's license issued by one of the 50 states within the United States of America for the issuance or renewal of an entertainment transportation vehicle driver's permit corresponding with the type/classification of entertainment transportation vehicle to be operated (i.e., Commercial Driver License, For-Hire endorsement, etc.).
 - 2. A Social Security card or birth certificate.
 - 3. If a resident alien, a current work permit or other valid United States Immigration and Customs Enforcement document.
 - 4. A copy of a currently effective Tennessee commercial driver's license.
- D. Each application shall be accompanied by an official driver record obtained no longer than 30 days previous to the date of application. All applicants are required to meet the following standards:
 - 1. No convictions in the last five years for any of the following offenses involving bodily injury or death and no convictions in the last three years for any of the following offenses not involving injury or death:

- a. Hit and run;
 - b. Driving under the influence of an alcoholic beverage or drug;
 - c. Reckless or careless driving.
2. For an initial permit, no more than three moving violations within the last three years and no more than two moving violations in the last year.
 3. For a renewal permit, no more than four moving violations within the last three years and no more than two moving violations in the last year.

6.77.130 Fingerprint-based criminal background investigation.

- A. All applicants for an entertainment transportation vehicle driver's permit must undergo a fingerprint-based identification and background check. The MTLC staff shall collect background check fees from applicants and schedule them for fingerprinting. A background check report and a copy of the driving record (MVR) of the applicant, if any, shall be attached to the application and forwarded for consideration by the MTLC.
- B. Any applicant shall, in addition to any disqualifications listed elsewhere in this chapter, be disqualified if the applicant:
 1. Has been convicted, pled guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state or of the United States:
 - Homicide,
 - Rape,
 - Aggravated assault,
 - Kidnapping,
 - Robbery,
 - Felony theft,
 - Burglary,
 - Child sexual abuse,
 - Domestic violence,
 - Any sex-related offense,
 - Leaving the scene of an accident,
 - Criminal solicitation, or criminal attempt to commit any of above,
 - Perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, or
 - The felony possession, sale or distribution of narcotic drugs or controlled substances.
 2. If, at the time of application, the applicant is charged with any offenses in subsection (1) of this section, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.
 3. Has been convicted of or released from incarceration due to two or more felony offenses within the past ~~ten~~ seven years.
 4. Has been convicted for a period of two years prior to the date of application of the violation of two or more sections of this Code or other ordinances governing the operation of entertainment transportation vehicles.

- C. If the applicant fails to disclose any criminal conviction, except traffic citations, on the application for a permit, the application may be referred to the MTLC for consideration.

6.77.140 Application—Approval or disapproval.

The MTLC or its staff shall, upon the consideration of the application and any reports and certificates required to be attached thereto, approve or reject the application. Any applicant rejected by the MTLC staff may file an appeal within 30 days of denial and request an appearance before the MTLC. The appeal shall be heard by the MTLC at the next available MTLC meeting with the appellant appearing in-person for consideration of the application.

6.77.150 Issuance—Permit contents and display.

- A. Upon approval of an application for an entertainment transportation vehicle driver's permit, the MTLC director shall issue a permit to the applicant, which shall bear the name, driver's permit number, height, date of birth, photograph of the applicant, and other information deemed appropriate.
- B. Every driver shall at all times conspicuously display a permit either on the clothing of the driver's upper body or within the entertainment transportation vehicle. A driver shall allow the MTLC director, MTLC inspector, or a police officer to examine the permit upon request.

6.77.160 Unpermitted drivers.

- A. If any person is found operating any entertainment transportation vehicle within the metropolitan area without a valid entertainment transportation vehicle driver's permit on behalf of any holder of a certificate of necessity and public convenience, the MTLC director may immediately take action to suspend or revoke the certificate.
- B. A person whose entertainment transportation vehicle driver's permit is suspended shall not drive an entertainment transportation vehicle within the metropolitan area during the period of suspension.

6.77.170 New application after denial.

Upon denial of an application for a driver's permit, no new application shall be considered for a period of three months.

6.77.180 Expiration—Issuance and replacement fee.

- A. Each entertainment transportation vehicle driver's permit shall be issued for a period of one year, or until March 31.
- B. A permit may be issued to qualified applicants upon the payment of a fee established by the MTLC ~~twenty dollars~~ plus the costs of investigation. If the permit for the preceding year has been revoked, no new permit shall be issued without prior MTLC approval. A fee established by the MTLC ~~of ten dollars~~ shall be charged for all replacement driver permits. Such fees shall be in addition to the cost of any investigation.

6.77.190 Hospitality training program—Participation required.

- A. Every driver shall have attended an approved hospitality program prior to receiving an entertainment transportation vehicle driver's permit, and shall attend an approved hospitality

training course or refresher course prior to applying for or renewal of an entertainment transportation vehicle driver's permit each year.

- B. This course shall include updated information on any new MTLC regulations and safety requirements.
- C. In addition to the driver, every employee of a certificate holder that rides on the entertainment transportation vehicle shall attend the hospitality training program required by this section prior to riding on an entertainment transportation vehicle as part of his/her employment.

6.77.200 Suspension, revocation, and appeal.

- A. The MTLC director may suspend or revoke any applicant's ~~license~~ certificate if the director determines that the applicant fails to comply with any requirement of this chapter. The director shall notify the applicant of any specific failure to comply with this chapter resulting in the suspension or revocation of their ~~license~~ certificate and the applicant's right to an appeal by first class mail, express mail, overnight carrier, or personal service. If the MTLC director suspends or revokes a certificate ~~license~~, the applicant may appeal within ten days of such suspension or revocation to the MTLC for a hearing to determine if such suspension or revocation is justified. The decision of the MTLC shall be final, subject to any appropriate judicial review.
- B. The MTLC director is hereby given authority to suspend any entertainment transportation vehicle driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article. Such suspensions may not last for a period of more than 30 days. The MTLC director is also given authority to revoke any permit for failure to comply with the provisions of this article.
- C. If a driver is charged in any court with a misdemeanor involving moral turpitude, or with any felony, or with driving while intoxicated or under the influence of drugs, or with violations of this article, the MTLC director is hereby given authority to suspend the driver's permit pending final disposition of the charges against them, and to revoke such permit upon conviction thereof.
- D. The MTLC director may revoke an entertainment transportation vehicle driver's permit if the director determines that the permittee has engaged in conduct detrimental to the public safety.
- E. The MTLC director may not suspend or revoke any permit unless the driver has received notice of the charges against them and has had the opportunity to present evidence on their behalf.
- F. Any permittee whose license has been suspended or revoked by the MTLC director may file a written appeal with the MTLC within ten days. If an appeal is not made to the MTLC within ten days of the MTLC director's decision, the MTLC director's decision shall be final. A letter addressed to the MTLC and delivered to the MTLC office stating that an appeal from the decision of the MTLC director is desired shall perfect such appeal. The MTLC, as soon as practicable after receiving such notice of appeal, shall notify the applicant or permittee of the date and time of the hearing which shall be not less than five days after the mailing of such notice. After the hearing of the appeal, the MTLC shall sustain, modify or reverse the findings of the MTLC director, and shall notify the MTLC director and the applicant or permittee of its findings. The findings of the MTLC shall be final, subject to any applicable legal processes.
- G. A driver whose permit is revoked may not reapply for 90 days from the date of revocation and will be treated as a new applicant.

6.77.210 Revocation of a valid driver's license.

An entertainment transportation vehicle driver's permit issued under this chapter shall be coterminous with the permittee's valid driver's license issued by one of the fifty states in the United States of America for the type/classification of entertainment transportation vehicle to be operated. Any time that a permittee's driver's license is suspended, revoked, or cancelled, their entertainment transportation vehicle driver's permit shall likewise be immediately suspended, revoked, or cancelled. The entertainment transportation vehicle driver's permit shall immediately be surrendered to the MTLC until such time as their driver's license is reinstated.

6.77.220 Conduct of drivers.

A driver shall at all times:

1. Act in a reasonable, prudent, safe, and courteous manner;
2. Not permit a person not possessing an entertainment transportation vehicle driver's permit to operate the entertainment transportation vehicle;
3. Not permit more passengers to be carried in an entertainment transportation vehicle than for which there is proper seating, and at no time shall the driver allow any passenger to ride in any area of the entertainment transportation vehicle not specifically designed or designated as a seat;
4. Not permit any passenger twelve years of age or younger to ride in an entertainment transportation vehicle unaccompanied by an adult;
5. Not operate an entertainment transportation vehicle while under the influence of intoxicating beverages or drugs;
6. Not operate an entertainment transportation vehicle while possessing a lighted cigarette, cigar, or pipe at any time;
9. Observe and obey all state and local noise and traffic laws and regulations;
10. Not permit a passenger to stand or ride on any part of the entertainment transportation vehicle other than the designated seating area while the entertainment transportation vehicle is in motion and to advise the passengers that they must be seated except when loading or unloading.

6.77.230 Driver appearance.

- A. Every entertainment transportation vehicle driver, while on duty, shall keep a clean and well-groomed appearance, and shall be dressed in compliance with those rules adopted by the MTLC.
- B. All drivers must wear uniform attire with the entertainment transportation vehicle company's logo.
- C. The MTLC shall have the authority to adopt rules specifically governing the type(s) of permitted and prohibited attire.

6.77.240 Alcohol in an entertainment transportation vehicle.

- A. A certificate holder or driver commits an offense if he or she provides beer, ale, wine, or other an alcoholic beverage to a passenger for a fee or as part of the passenger transport service.

- B. A certificate holder or entertainment transportation vehicle driver commits an offense if he or she provides or stocks any beer, ale, wine, or other alcoholic beverage in the entertainment transportation vehicle.
- C. The consumption of beer, ale, wine, or other alcoholic beverages upon or within an unenclosed entertainment transportation vehicle is strictly prohibited.

6.77.250 Return of passengers' property.

A driver of an entertainment transportation vehicle shall immediately attempt to return to a passenger any property left by the passenger in the entertainment transportation vehicle. If unable to locate the passenger, the driver shall turn the property into the certificate holder's company office at the end of the driver's shift or at the first available opportunity. In such cases, the certificate holder shall make a good faith effort to locate the passenger, and, if not successful, hold the property in storage at its location for at least 30 days, unless otherwise directed by the director.

6.77.260 Compliance with provisions.

Every driver granted a permit under this article shall comply with all metropolitan government, state, and federal laws. Failure to do so may result in disciplinary actions including suspension and up to revocation of the entertainment transportation vehicle driver's permit.

Article III. Equipment and Operation

6.77.270 Vehicle permit required.

Each entertainment transportation vehicle must have a permit issued by the MTLC. The permit will identify each entertainment transportation vehicle by a unique number in accordance with rules and procedures established by the MTLC, and will be associated with the specific classification and by certificate holder. Permits are not transferable to other entertainment transportation vehicles or other certificate holders.

6.77.280 Ownership and control of vehicles.

All entertainment transportation vehicles permitted under this chapter must be under the lawful control of a certificate holder demonstrated either by proof of ownership or a copy of a valid lease agreement and must be under the direct control of a permitted driver while in operation or use.

6.77.290 Vehicle to display identification.

All entertainment transportation vehicles operated under the authority of this chapter shall be equipped with identification as prescribed by the MTLC in rules and regulations.

6.77.300 Vehicle requirements; Safety standards.

- A. To the fullest extent permitted by Tennessee and federal law, Prior to the use and operation of any vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected by the certificate holder or a third party in accordance with rules and regulations prescribed by the MTLC. These rules and regulations shall be promulgated to provide safe transportation and specify such safety equipment and regulatory devices as the MTLC shall deem necessary. When a certificate holder finds

that a vehicle has met all the terms established by the MTLC, the holder shall certify this under oath to the MTLC director, who shall authorize a permit to be issued.

- B. To the fullest extent permitted by Tennessee and federal law, Every vehicle operating under this chapter is subject to random and periodic inspections to ensure the continued maintenance of safe operating conditions. A certificate holder shall make an entertainment vehicle available for inspection upon or prior to the expiration of the notice period provided for in the rules and regulations adopted by the MTLC, when ordered to do so by MTLC staff. If, upon inspection it is determined that an entertainment vehicle for hire is not in compliance with this chapter or MTLC rules, the MTLC staff shall order the vehicle to be removed from service or brought into compliance within a reasonable period of time and require it to be re-inspected.
- C. Every vehicle operating under this chapter shall be kept in a clean and satisfactory condition, according to rules and regulations promulgated by the MTLC.
- D. Every vehicle operating under this chapter must be equipped with seats for each passenger.
- E. To the fullest extent permitted by Tennessee and federal law, Every vehicle operating under this chapter shall undergo an annual detailed mechanical inspection conducted by an approved mechanic pursuant to the requirements of rules and regulations adopted by the MTLC. The records of these inspections must be maintained and made available to MTLC staff as provided by the rules and regulations adopted by the MTLC. The certificate holder shall certify under oath to the MTLC director compliance with this subsection.
- F. The MTLC may, by rule, establish additional inspection requirements for entertainment transportation vehicles and other equipment used in the entertainment transportation vehicle service.
- G. The MTLC shall have the authority to promulgate rules and regulations consistent with applicable law to ensure the safe operation of entertainment transportation vehicles.

6.77.310 Reserved. Inspection and maintenance of vehicles—Compliance required.

- A. ~~Prior to the use and operation of any entertainment transportation vehicle under the provisions of this chapter, such vehicle shall be thoroughly examined and inspected by the certificate holder and found to comply with such rules and regulations as may be prescribed by the MTLC. To the greatest extent permitted by Tennessee and federal law, these rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the MTLC shall deem necessary. Every entertainment transportation vehicle operating under this chapter shall be periodically inspected by the certificate holder at such intervals as shall be established by the MTLC to ensure the continued maintenance of safe operating conditions. A certificate holder, owner, or driver shall make the entertainment transportation vehicle available for inspection at such place within the metropolitan area as the MTLC director or his designee may direct. If, upon inspection, the director or his designee determines that an entertainment transportation vehicle is not in compliance with this chapter or the entertainment transportation vehicle rules, the director or his designee shall, based upon the condition noted, order the entertainment transportation vehicle be removed from service or that the vehicle be brought into compliance within a reasonable period of time and require it to be re-inspected.~~

- ~~B. Every entertainment transportation vehicle operating under this chapter shall be kept in a clean and satisfactory condition according to rules and regulations promulgated by the MTLC.~~
- ~~C. Every entertainment transportation vehicle operating under this chapter shall annually undergo a detailed inspection conducted by an approved mechanic to determine if the vehicle conforms to the standards set out by the MTLC. A safety certificate form, when completed by an approved mechanic, shall be provided to the MTLC director within 30 days of the inspection.~~
- ~~D. The MTLC may, by rule, establish additional inspection requirements for an entertainment transportation vehicle and other equipment used in the entertainment transportation vehicle service.~~

6.77.320 Operating area.

Entertainment transportation vehicles shall operate upon the streets within the metropolitan area on routes or zones, and within hours of operation, established by the MTLC or its staff. Any deviation from these approved routes, zones, or hours of operation must be approved by the MTLC or its staff. Any approved deviation must be reported to the MTLC or the MTLC director staff prior to beginning of operations.

6.77.330 Records and reports.

- A. Each holder shall maintain at a single location business records of its entertainment transportation vehicle business. The records must be maintained in a manner approved by the MTLC director and contain the following information:
 - 1. An identification of the entertainment transportation vehicles operating each day;
 - 2. An identification of the drivers operating the entertainment transportation vehicles each day and a statement of the hours each driver operated the vehicle each day; and
 - 3. Any other information the MTLC director determines necessary for monitoring the activities, operations, service, and safety record of the licensee.
- B. A certificate holder shall make its records available for inspection by the MTLC director, inspector, law enforcement officer or designated officials.

6.77.340 Accidents.

- A. All accidents arising from or in connection with the operation of an entertainment transportation vehicle shall be reported within 72 hours from the time of occurrence to the MTLC director if the accident results in:
 - 1. Death or bodily injury to any person, or
 - 2. Damage to any vehicle, or to any property in an amount exceeding the sum of four hundred dollars.
- B. A driver operating an entertainment transportation vehicle at the time of an accident involving bodily injury is required to report for a drug screen, within 24 hours from the time of occurrence, at a testing site approved by the MTLC. Failure to report for a screen shall result in revocation of the driver's permit.

- C. An entertainment transportation vehicle damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two weeks of the accident or removed from operation until repaired and inspected.

6.77.350 Passengers—Receiving and discharging by drivers.

- A. Drivers shall only receive and discharge passengers at designated staging areas/locations approved by the MTLC.
- B. Drivers shall not allow additional passengers to board the entertainment transportation vehicle after the vehicle has left its fixed starting point.

6.77.360 Disposition of disorderly passengers.

Drivers shall act in a reasonable and professional manner in dealing with disorderly passengers.

6.77.370 Soliciting business.

No certificate holder or driver of an entertainment transportation vehicle shall offer any compensation of whatever form to any person or entity in exchange for the direction or recommendation of passengers to that entertainment transportation vehicle, provided that this section shall not prohibit certificate holders from advertising their entertainment transportation business.

6.77.380 Compliance with other laws.

It shall be a violation of this chapter for a certificate holder or driver to violate any other applicable federal, state or local law or regulation in offering or providing entertainment transportation vehicle services.

6.77.390 ~~Inspectors—Reporting or citing violations~~ Enforcement.

A. The inspectors of the metropolitan government are authorized and are instructed to observe the conduct of holders of certificates and permits operating under this chapter. Upon discovering a violation of the provisions of this chapter, the inspector may either report the violation to the licensing-MTLC, which will order or take appropriate action, or issue a citation as authorized under Section 6.77.420.

B. In addition to the enforcement authority provided to MTLC inspectors in subsection A. of this section, officers of the Metropolitan Nashville Police Department shall have the authority to enforce this chapter. A police officer, upon observing a violation of this chapter or of any regulation or rule established by the MTLC or the MTLC director pursuant to this chapter, shall take necessary enforcement action to insure effective regulation of entertainment transportation vehicles.

6.77.400 Reserved. ~~Entertainment transportation vehicle passenger's bill of rights.~~

~~A. All entertainment transportation vehicle passengers within the area of the metropolitan government shall have the following rights:~~

- ~~1. A professional driver who is licensed and knowledgeable about popular entertainment transportation vehicle routes, destinations, and attractions in Nashville and Davidson County;~~
 - ~~2. A driver who knows and obeys all traffic laws and ordinances related to entertainment transportation vehicles;~~
 - ~~3. A quality entertainment transportation vehicle that is mechanically free of problems and is clean; and~~
 - ~~4. The right to refuse to tip.~~
- ~~B. The information including in subsection A shall be posted in each entertainment transportation vehicle in plain view of all passengers, and shall include the telephone number of the MTLC.~~

6.77.410 Limitation of service due to weather conditions.

Entertainment transportation vehicles shall not receive passengers ~~be operated~~ when weather conditions are sufficiently adverse or inclement so as to endanger passengers or the public. The MTLC, by rule, may adopt specific guidelines for the operation of entertainment transportation vehicles in inclement weather conditions.

Article IV. Violations—Civil Penalty Schedules

6.77.420 Violations—Penalties—Additional regulations.

- A. All provisions of this chapter shall be governed by the penalties and procedures for general ordinance violations set forth in Section 1.01.030.
- B. Notwithstanding any provision contained herein, the MTLC shall have the authority to enforce the provisions of this chapter.
- C. The MTLC shall have the authority to promulgate, implement, and enforce additional rules and regulations pertaining to entertainment transportation vehicles, provided such rules and regulations are consistent with the provisions of this chapter. Such authority includes adopting regulations pertaining to the types and levels of noise amplification on entertainment transportation vehicles.

6.77.430 Severability.

If any provision or clause of this chapter or the application thereof to any person or circumstance is held to be unenforceable by a court of competent jurisdiction, such clause or provision and the remainder of this chapter shall remain effective and enforceable to the fullest extent allowed by law, and all clauses and provisions of this chapter are hereby declared to be severable.

Section 3. That Section 6.75.240 of the Metropolitan Code is hereby amended by deleting subsection C. in its entirety.

Section 4. That Section 7.24.040 of the Metropolitan Code is hereby amended by adding the following new subsection C.:

- C. Open containers in motor vehicles.

1. Definitions:
 - a. An "Enclosed Vehicle" means any motor vehicle that is fully enclosed by metal, plexiglass or glass on all sides and on the top/roof. Any vehicle not meeting this definition would constitute an "unenclosed vehicle." A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle "side" must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, but all windows shall be fully raised while the vehicle is in operation and any passenger is in possession of an open container. Enclosed vehicles shall maintain any required emergency access or exits but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.
 - b. "Open Container" means any container containing alcoholic beverages or beer, the contents of which are immediately capable of being consumed or the seal of which has been broken.
 - c. An open container within a vehicle is in the possession of the passenger when it is not in the possession of the driver and is not located in a locked glove compartment, trunk, or other non-passenger area of the vehicle.
 - d. A motor vehicle is in operation if its engine is operating, whether or not the vehicle is moving.
 - e. "Alcoholic Beverage" means alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine capable of being consumed by a human being, other than patented medicine, beer, or wine, where the latter two contain an alcoholic content of eight percent by weight.
 - f. "Beer" means beer, ale or any other beverage having an alcoholic content of not more than eight percent by weight.
2. It is unlawful for any passenger to consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer during the operation of an unenclosed vehicle.

Section 5. That Section 12.54.210 of the Metropolitan Code is hereby amended by deleting subsection C. in its entirety.

Section 6. That Section 9.20.020 of the Metropolitan Code is hereby amended by modifying subsection B. as follows:

- B. No person operating or occupying a motor vehicle, including an entertainment transportation vehicle, on any street, highway, alley, parking lot, or driveway, either public or private property, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty or more feet from the vehicle or, in the case of a motor vehicle on private property, beyond the property line.

Section 7. If any portion or clause of this ordinance or the application thereof to any person or circumstance is held to be unenforceable by a court of competent jurisdiction, such clause or provision and the remainder of this ordinance shall remain effective and enforceable to the fullest extent allowed by law, and all clauses and provisions of this ordinance are hereby declared to be severable.

Section 68. This ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Freddie O'Connell

Members of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2021-911

Mr. President –

I hereby move to amend Ordinance No. BL2021-911 as follows:

I. By deleting Section 3 in its entirety and renumbering the subsequent Sections accordingly.

II. By amending Section 4, proposed Section 7.24.040.C.1.a as follows:

- a. An “Enclosed Vehicle” means any motor vehicle that is fully enclosed by metal, plexiglass or glass on all sides and on the top/roof. Any motor vehicle not meeting this definition would constitute an “unenclosed motor vehicle.” A motor vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle “side” must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, but all windows shall be fully raised while the vehicle is in operation and any passenger is in possession of an open container. Enclosed vehicles shall maintain any required emergency access or exits but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.

III. By amending Section 4, proposed Section 7.24.040.C.2 as follows:

2. It is unlawful for any passenger to consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer during the operation of an unenclosed motor vehicle.

IV. By deleting Section 5 in its entirety and renumbering the subsequent Sections accordingly.

SPONSORED BY:

Sean Parker
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2021-862

Mr. President:

I move to amend Ordinance No. BL2021-862, as amended, as follows:

- I. By deleting Conditions 8 and 9 if Section 4 in their entirety.
- II. By adding a new Condition 8 to Section 4, as follows:

8. Note 4 under "Architectural Standards" shall be deleted.

INTRODUCED BY:

Freddie O'Connell
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2021-863

Mr. President:

I move to amend Ordinance No. BL2021-863, as amended, as follows:

- III. By deleting Conditions 8 and 9 in Section 4 in their entirety.
- IV. By adding a new Condition 8 to Section 4, as follows:

8. Note 5 under "Architectural Standards" shall be deleted.

INTRODUCED BY:

Freddie O'Connell
Member of Council

AMENDMENT NO. 1
TO
ORDINANCE NO. BL2021-872

Mr. President,

I hereby move to amend Ordinance No. BL2021-872 by adding the following as a new Section 8 and renumbering the current Section 8 as Section 9:

Section 8. That this Ordinance shall be null and void upon the determination that 85% of Davidson County residents are fully vaccinated, according to the metrics provided by the Metropolitan Public Health Department.

Section ~~8~~9. 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:

Joy Styles
Member of Council

AMENDMENT NO. 2
TO
ORDINANCE NO. BL2021-872

Mr. President,

I hereby move to amend Ordinance No. BL2021-872 by adding the following as a new Section 8 and renumbering the current Section 8 as Section 9:

Section 8. That this Ordinance shall be null and void on January 1, 2022, unless extended by a resolution of the Metropolitan Council.

Section ~~8~~9. 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:

Sean Parker
Member of Council