

SECOND SUBSTITUTE ORDINANCE NO. BL2026-1361

An ordinance to amend Chapter 17.37 of the Metropolitan Code of Laws to establish an East Bank Design Review Committee within the Downtown Code ("DTC"), all of which is described herein (Proposal No. 2026Z-011TX-001).

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

Section 1. That the Modifications to the Standards subsection of the Application of the DTC; Modifications section of Section I of the Downtown Code is amended by deleting it in its entirety and replacing it with the following:

Modifications to the Standards

Based on site-specific issues, an applicant may seek modifications to the standards of this document.

Any standard within the DTC may be modified, insofar as the intent of the standard is being met, the modification results in better urban design for the neighborhood as a whole, and the modification does not impede or burden existing or future development of adjacent properties.

The DTC, the Downtown Plan and any other policies and regulations from governing agencies shall be consulted when considering modifications. Any standards that shall not be modified are explicitly noted in this document.

Modifications may be approved by Planning staff, the Downtown Code Design Review Committee (DTC DRC) or the Planning Commission.

- Minor modifications – deviations of 20 percent or less – or modifications explicitly noted herein as minor may be approved by Planning Staff.
- Any determination made by the Planning Staff may be appealed to the DTC DRC or EB DRC.
- Major modifications – deviations of more than 20 percent – and modifications of standards without numbers may be approved by the DTC DRC. Within the East Use Area Bank and East Bend subdistricts, the East Bank Design Review Committee ("EB DRC") shall act as the DTC DRC. Within MDHA redevelopment districts, the MDHA DRC shall act as the DTC DRC.
- Any determination made by the DTC DRC, the EB DRC, or the MDHA DRC regarding standards of the DTC may be appealed to the Planning Commission by the applicant or the Planning Department.
- All building permits for modifications authorized by the Planning Staff, DTC DRC, EB DRC or Planning Commission must be obtained within three years from the date of approval."

Section 2. That the ~~Modifications~~ Application Process subsection of the Application of the DTC; Modifications section of Section I of the Downtown Code is amended by deleting it in its entirety and replacing it with the following:

Application Process

The DTC DRC shall review and approve a DTC Concept Plan for a site prior to approval of a DTC Final Site Plan. A recommendation from the Nashville Department of Transportation

and Multimodal Infrastructure shall be required for a DTC Concept Plan.

- The DTC, the Downtown Plan, other policies, official guidelines (such as the Downtown Code Design Guidelines), regulations from governing agencies, and other best practices shall be consulted when considering a DTC Concept Plan. No standard within the DTC shall relieve a project of the review process associated with a Concept Plan application.
- Modifications shall be requested concurrently with the DTC Concept Plan.
- Within the East Bank and East Bend subdistricts, the EB DRC shall act as the DTC DRC and final EB DRC approval shall act as the DTC Concept Plan.
- Within MDHA redevelopment districts, the MDHA DRC shall act as the DTC DRC and final MDHA approval shall act as the DTC Concept Plan.
- Any determination made by the Planning Staff may be appealed to the DTC DRC or EB DRC. Any determination made by the DTC DRC, EB DRC, or the MDHA DRC regarding standards of the DTC may be appealed to the Planning Commission by the applicant or the Planning Department.

Section 3. That the ~~Design Review & Compliance subsection of the~~ Application of the DTC; Design Review and Compliance section of Section I of the Downtown Code is amended by adding the following subsection after the Design Review Committee subsection:

East Bank Design Review Committee

The EB DRC is subject to the rules and procedures adopted by the Planning Commission for the DTC DRC. The EB DRC will consist of eight (8) voting members. All members shall be residents of Davidson County. One member shall be nominated by each of the following with confirmation by the Planning Commission:

- ~~East Bank neighborhood association~~
- ~~Cayce Place Resident Association~~ District Council Member
- Urban Land Institute
- Nashville Area Chamber of Commerce
- Civic Design Center

One member shall be appointed by the following:

- Mayor
- Metropolitan Council
- Planning Commission
- Vice Mayor

The EB DRC member nominated by the District Council Member shall reside within the area on the east side of the Cumberland River, south of I-65 and west of I-24. If this member no longer resides within this area during their term, a vacancy shall be declared. If multiple District Council Members represent this area, this member shall be nominated by the consensus of all District Council Members.

The EB DRC member appointed by the Metropolitan Council shall reside within the East Nashville Community Plan, but not west of I-24. Only Council Members representing a Council District within this area may nominate a candidate for this member. The member shall be appointed by the same process within the Rules of Procedure of the Council of the Metropolitan Government of Nashville and Davidson County as used for election to boards

and commissions. If this member no longer resides within the area identified above during their term, a vacancy shall be declared.

The EB DRC members nominated by the District Council Member shall be considered inactive for the purposes of voting and quorum until twelve (12) months after at least 1,000 residential units receive a certificate of occupancy within the area on the east side of the Cumberland River, south of I-65 and west of I-24.

The EB DRC member appointed by the Vice Mayor shall be selected by the same process within the Rules of Procedure of the Council of the Metropolitan Government of Nashville and Davidson County as used for boards and commissions.

Members appointed by the Mayor, Metropolitan Council, Planning Commission, Vice Mayor, District Council Member, and the Civic Design Center shall be design professionals, with a degree or several years of experience in architecture, landscape architecture, planning or urban design. The member appointed by the Urban Land Institute shall be a licensed architect or landscape architect.

Each term shall be four years, ~~with the appointees of the Mayor, Metropolitan Council and Planning Commission serving an initial two-year term upon adoption of the DTC.~~ Any vacancy occurring during the unexpired term of any members shall be filled in the manner prescribed herein for the original selection of the members of the EB DRC. A new mayor and/or Metropolitan Council may appoint a new representative after the term of the existing representative has expired.

If an EB DRC member fails to attend at least 2/3 of the prior twelve (12) meetings, or misses three (3) consecutive meetings without being excused by the Chair, a vacancy shall be declared and new member requested from the appointing or nominating entity.

If a nominating or appointing entity has a responsibility to name a representative to the DTC DRC as well as the EB DRC, a single representative will serve on both committees and their terms on both committees shall be the same. The EB DRC shall have the same officers as those elected by the process outlined in the DTC DRC.

Section 4. That the Sign Permit Modifications subsection of the Modifications of the DTC section of Section V of the Downtown Code is amended by deleting it in its entirety and replacing it with the following:

Sign Permit Modifications

Requests for modifications to sign standards are reviewed through the process outlined on pages 14 and 15. Modifications are reviewed by Planning staff and the East Bank Design Review Committee, the MDHA Design Review Committee or the DTC Design Review Committee. The applicant may appeal a decision through the process described on pages 14 and 15. All sign Modifications are Major Modifications. Two additional types of Modifications for signage related permits may be requested and are outlined below.

Section 5. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 6. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Emily Benedict
Member of Council