



Metropolitan Council

**PROPOSED AMENDMENTS PACKET
FOR THE COUNCIL MEETING OF
TUESDAY, FEBRUARY 20, 2024**

Table of Contents

001	Amendment to Ordinance No. BL2023-120
005	Amendment to Resolution No. RS2024-194
006	Substitute Resolution No. RS2024-240
007	Substitute Ordinance No. BL2024-192
008	Substitute Ordinance No. BL2023-79
009	Amendment to Substitute Ordinance No. BL2023-133

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2023-120

Madam President –

I hereby move to amend Ordinance No. BL2023-120 as follows:

I. By adding the following between the second and third recital:

WHEREAS, Plan to Play, The Nashville Parks & Greenway Plan adopted in 2017, identifies creation of publicly available open space as an important community asset; and

II. By adding the following between the fourth and fifth recital:

WHEREAS, publicly available open space brings a number of benefits toward creating healthy and livable communities for all Nashvillians; and

III. By amending Section 2, Proposed Metropolitan Code of Laws Section 17.12.080, Subsection D, as follows:

D. Open Space Standards. The required fifteen percent open space of a Compact Development may contain usable open space and stormwater features as required and described in this section.

1. Usable Open Space & Features. A minimum of five percent of a compact subdivision's total area shall be usable open space. One usable feature shall be installed for subdivisions containing between four and ninety-nine total residential units, plus an additional usable feature for every one-hundred residential units, or portion thereof, in excess of the first ninety-nine units. Usable features shall not be located in regulatory no-disturb stormwater buffers or floodway as determined by Metro Water Services. Any usable feature proposed to be located in floodplain shall not be fenced or contain impervious surfaces. Usable features, as approved by the Planning Commission or their designee, may include but are not limited to:

- a. Paved greenway trails or trailhead facilities identified in the Metropolitan Parks and Greenways Master Plan and located within publicly accessible greenway conservation easements to the benefit of the Metropolitan Greenways Commission or Metro Parks;
- b. Walking or bicycle trails;
- c. Reflective, passive recreation areas such as picnic shelters, gazebos, or shared docks;
- d. Playgrounds with benches and pedestrian scale lighting;
- e. Dog parks with benches and pedestrian scale lighting;
- f. Stormwater mitigation facilities such as bioretention, bioswale, or rain garden, designed as an amenity and provided in conjunction with other usable features

mentioned in this section; a stormwater feature alone shall not count as usable open space;

- g. Other active recreational or play facilities including but not limited to paved game courts such as tennis, basketball, or volleyball courts, swimming pools, baseball/softball diamonds or other facilities;
- h. Historic or cultural sites with walkways and interpretive signage;
- i. Unstructured open play areas for practice or pickup games;
- j. Low impact recreation options (i.e. bocce ball, horseshoes, outdoor chess tables);
- k. Conservation of natural features as defined in 17.12.090;
- l. Other facilities made publicly accessible through any agreement with the Metropolitan Government.

2. Stormwater Features. The following uses may count toward the open space stormwater feature component of this section:

- a. Required stormwater mitigation measures such as reforestation;
- b. Stormwater control measures, such as retention and detention basins, and other conventional stormwater facilities as approved by the Planning Commission, or their designee, and by Metro Water Services.

3. Compact subdivisions may reduce the total open space by up to 5% each if if (1) a property is located within 0.25 miles of local, state, or federal park; (2) if usable open space meets the requirements of Subsection D(1)(a); or (3) if usable open space meets the requirements of Subsection D(1)(l); provided, however, that in no event may the total open space be less than 7.5% of the compact development subdivision a 5% reduction in useable open space is permitted, and Compact Development subdivision is required to have 10% total open space.

- a. For the purpose of this section, greenways that do not meet the requirements of Subsection D(1)(a) shall not be considered parks.
- b. For the purposes of this section, no more than one local, state, or federal park located within 0.25 miles of a property shall count toward a reduction in total open space.

4. Compact Development subdivisions shall attain a tree density factor of at least twenty-two units per acre using retained or replacement trees, or a combination of both.

5. Regardless of whether sidewalks are installed, street trees shall be required on new and existing streets.

- a. If sidewalks are installed, street trees shall be planted within the grass strip/green zone for any sidewalk constructed, dependent on roadway classification and right-of way availability.
- b. If no sidewalks are installed, street trees are required to be located within the right-of-way, dependent on roadway classification and right-of way availability.

- c. Trees shall be installed according to the provisions of the Metro Nashville Street Tree Specifications prepared and maintained by Metro Water Services in conjunction with Nashville Department of Transportation, Planning, and Codes.
 - d. Street trees shall be chosen from the Urban Forestry Recommended Tree List. Canopy trees shall be installed, except where conflicts with overhead electrical powerlines exist. In those instances, understory trees may be substituted.
 - e. Required street trees shall be depicted on a landscape plan. The landscape plan and specifications shall be prepared by, or under the direction of, and bear the seal of a professional landscape architect registered in Tennessee.
 - f. Trees installed pursuant to this section shall be eligible for credit toward tree density required by Chapter 17.28 of this title.
6. Configuration and Access. To the maximum extent practicable given the configuration, the open space shall be in a contiguous tract. When possible, usable open space shall be centrally located, directly accessible to the largest practicable number of lots within the subdivision, have street frontage and each lot shall be no more than 1,320 feet from usable open space as measured from the perimeter of the open space to individual lot lines. Non-adjacent lots shall be provided with pedestrian access to the usable open space via direct access or an access easement designated on the plat.
7. Ownership and Management.
- a. Open space and street trees within a Compact Development shall be owned and maintained by an incorporated association for the mutual benefit of residents or property owners within the development and shall be adequately described on a recorded plat of subdivision approved by the planning commission. All property owners within a Compact Development subdivision shall be a member of the association which shall be responsible for the assessment of dues to cover the recurring costs of maintaining all open space areas and usable features. Articles of incorporation and bylaws shall be submitted and approved according to the subdivision regulations.
 - b. In limited circumstances where the open space is identified on the Greenways Master Plan or within the Parks Master Plan, the developer may offer the open space for dedication to Metro Parks subject to approval and acceptance by Metro Parks Board and Metro Council as appropriate.
 - c. Open Space Management Plan. With the concept plan applicants shall submit a plan for the management of the open space, common open space, and street trees which allocates responsibility and guidelines for maintenance and operation of the open space and any facilities located within the open space areas. If the open space is restricted via a conservation easement in the favor of a bona fide land trust or other permanently established organization legally able to accept such easements, a stewardship plan or other management plan associated with the conservation easement may be provided in lieu of the open space management plan.
 - d. Failure to maintain. When the failure of an association or other responsible party to properly maintain open space results in a public nuisance, the zoning administrator is empowered to initiate appropriate measures to eliminate the nuisance. If public funds

are utilized to remove a nuisance and/or maintain open space, those costs shall be assessed proportionally against all property owners within the development in the form of a tax lien. This provision shall not apply to any open space that has been dedicated to and accepted by the metropolitan government.

SPONSORED BY:

Quin Evans Segall
Member of Council

AMENDMENT NO. ____
TO
RESOLUTION NO. RS2024-194

Madam President –

I hereby move to amend Resolution No. RS2024-194 by amending the project list attached to the Resolution as Exhibit A as follows:

- I. By reducing the allocation for CIB Project ID #22PW0007, Traffic Management Systems/Signal Upgrades, by \$300,000.
- II. By adding CIB Project ID #19DS0053, Moormans Arm Road and Whites Creek Pike Turn Lane Improvements, in the amount of \$300,000.

SPONSORED BY:

Kyonzté Toombs
Member of Council

SUBSTITUTE RESOLUTION NO. RS2024-240

A resolution ~~providing Amendment 2 to~~ amending RS2022-1696 to change the date that unobligated funds left in the Affordable Housing Gap Financing (AHGF) program shall be transferred to the Barnes Fund for Affordable Housing.

WHEREAS, RS2022-1696 (“the Resolution”) appropriated \$25,000,000 in American Rescue Plan Act (ARPA) funds to the Metropolitan Development and Housing Agency (MDHA) to provide low-cost loans to developers for the addition of deeply affordable housing units, with loan proceeds to be used to address affordable housing and homeless services; and

WHEREAS, Section 3, bullet seven (7) of the Resolution provided that unobligated funds left in the AHGF program as of December 31, 2023, shall be transferred to the Barnes Fund for Affordable Housing; and

WHEREAS, to date, MDHA has obligated \$12,438,856.15 of the AHGF funds; And

WHEREAS, MDHA continued to accept applications for the program through November 30, 2023; and

WHEREAS, two (2) new applications were approved, which would obligate an additional \$4,717,062.00, making total obligations of \$17,391,771.25; and

WHEREAS, to allow time for these applications to be recommended for approval and funds to be awarded/obligated by MDHA’s Board of Commissioners, MDHA desires to change the language of Section 3, bullet 7 to state that un-obligated funds left in the AHGF program after March 31, 2024, be transferred to the Barnes Fund for Affordable Housing; and

WHEREAS, it appears to MDHA that a minimum of \$7,607,228.75 in un-obligated funds will be left in the AHGF program after March 31, 2024, and therefore be transferred to the Barnes Fund for Affordable Housing; and

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that this amendment be adopted.

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

Section 1. That Section 3, Bullet seven (7) of ~~the~~ Resolution RS2022-1696 is deleted in its entirety and replaced with the following:

Any un-obligated funds left in the AHGF as of March 31, 2024, shall be transferred to the Barnes Fund for Affordable Housing.

Section 2. This resolution shall take effect from and after its final passage, the welfare of the public requires it.

INTRODUCED BY:

Delishia Porterfield
Member of Council

SUBSTITUTE ORDINANCE NO. BL2024-192

An ordinance authorizing the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Department of Water and Sewerage Services, to enter into a license agreement with Cumberland River Compact, for the installation and maintenance of the Bandalong Bandit Litter Trap in North Fork Ewing Creek at 3426 Brick Church Pike.

WHEREAS, the Metropolitan Department of Water and Sewerage Services (“Metro”) and Cumberland River Compact (“CRC) desire to enter into a license agreement for the installation and maintenance of the Bandalong Bandit Litter Trap (“Trash Trap”) in North Forth Ewing Creek at 3426 Brick Church Pike (“Property”); and,

WHEREAS, North Fork Ewing Creek runs through the Property; and,

WHEREAS, Metro obtained the Property through a home buyout, and the Property is vacant; and,

WHEREAS, Metro has agreed to permit CRC to anchor, install and maintain the Trash Trap on the Property, by either tethering the device to two existing, large trees using steel cable or tethering the device into the bank using metal stakes; and,

WHEREAS, the Trash Trap is made of lightweight alloy that allows it to float and skim lightweight litter from the surface of the stream; and,

WHEREAS, Metro and CRC desire to enter into this License Agreement to allow CRC to use the Property, as shown in Exhibit 1 hereto attached; and,

WHEREAS, the Project is deemed to benefit both parties and the general community.

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

Section 1. The license agreement (Exhibit 1) between the Metropolitan Government of Nashville and Davidson County, acting by and through the Department of Water and Sewerage Services, and the Cumberland River Compact, is hereby approved, and the Director of the Metropolitan Department of Water and Sewerage Services is authorized to execute the same.

Section 2. Amendments to this legislation shall be approved by resolution.

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

INTRODUCED BY:

Delishia Porterfield
Burkley Allen
Members of Council

SUBSTITUTE ORDINANCE NO. BL2023-79

An ordinance amending Section 17.12.040 of the Metropolitan Code, Zoning Regulations regarding covered front porches within the required street setback (Proposal No. 2023Z-008TX-001).

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

Section 1. That Section 17.12.040, Subsection E.3, of the Metropolitan Code of Laws is hereby amended by deleting it in its entirety and replacing it with the following:

3. Awnings, patio covers, or canopies projecting not more than six feet from a building wall over a required setback;

Section 2. That Section 17.12.040, Subsection E, of the Metropolitan Code of Laws is hereby amended by adding the following subsection:

32. Covered front porches in residential districts extending no more than six feet into the required street setback, provided that the following are met:
 - a. The porch shall not be enclosed,
 - b. There shall be no enclosed space above the porch or enclosed habitable space below the porch.
 - c. The porch shall be located at least ten feet from the right-of-way.

Section 3. 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 4. 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

AMENDMENT NO. ____
TO
SUBSTITUTE ORDINANCE NO. BL2023-133

Madam President –

I hereby move to amend Substitute Ordinance No. BL2023-133 as follows:

I. By deleting Section 3 in its entirety and replacing it with the following:

Section 3. Be it further enacted, that the uses of this SP shall be limited to those permitted by the CS zoning district, excluding the following uses, which shall be prohibited:

- Alternative financial services
- Automobile repair
- Automobile service
- Beer and cigarette market
- Car wash
- Flea market
- Self-service storage
- Manufacturing, light
- Warehouse

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

4. Sidewalks shall be constructed along the east side of Murfreesboro Pike from the northern property line, tying into the existing sidewalk to the north, to the intersection of Murfreesboro Pike and Mt. View Road and along the west side of Mt. View Road from the intersection of Mt. View Road and Murfreesboro Pike to the terminus of the existing sidewalk, just north of 9525 Mt. View Road. NDOT may allow an alternative sidewalk design for the sidewalk segment in front of 9525 Mt. View Road to ensure the sidewalk can be constructed within existing right-of-way.

5. There shall be only one vehicular access allowed from Murfreesboro Pike. Such access shall have a raised concrete splitter island and only permit right turning movements from Murfreesboro Pike into the development and from the development onto Murfreesboro Pike.

6. There shall be a type C-3 buffer yard as defined by Figure 17.24.240C along the north property line shared with 3300 Murfreesboro Pike and along the north and east property lines shared with 5925 Mt. View Road.

INTRODUCED BY:

Deonte Harrell
Member of Council