



Metropolitan Council

PROPOSED AMENDMENTS PACKET FOR THE COUNCIL MEETING OF TUESDAY, APRIL 6, 2021

AMENDMENT NO. ____

TO

RESOLUTION NO. RS2021-794

Mr. President –

I move to amend Resolution No. RS2021-794 as follows:

I. By amending Section 1 by amending the Memorandum of Understanding, attached as Exhibit A, to add the following text as a new paragraph no. 11 and re-numbering the remaining paragraphs as necessary:

11. Not later than November 1, 2021 and continuing quarterly thereafter during the term of this memorandum, the MWS director shall submit a written performance report to the Council of the Metropolitan Government of Nashville & Davidson County regarding Solid Waste Disposal Responsibilities. The quarterly written performance report shall address the following:

A. Operations, customer experience, and cost monitoring and management metrics, including, at a minimum, the following data for the immediately preceding quarter, stated in comparison to comparable data for the quarter prior to the immediately preceding quarter:

- i) The number of active convenience center customers;
- ii) Total recycling tonnage;
- iii) Total waste tonnage;
- iv) On-schedule pickup ratio (*i.e.*, the percentage of missed solid waste retrievals);
- v) Missed recycling pickup turnaround (*i.e.*, the duration required to resolve complaints);
- vi) Missed waste pickup turnaround;
- vii) Total cost per ton of trash collected; and
- viii) Total cost per ton of recycling collected.

B. A narrative report from the MWS director regarding the transition of Public Works Department employees to MWS, including the number of employee transitions completed, the remaining transitions anticipated, transition tasks which remain to be completed, and the director's assessment of the success of the transition process to date.

C. No less than ten (10) days prior to submission to the Metropolitan Council, the report shall be provided by MWS to the Office of the Mayor, the Metropolitan Finance Department, and the Metropolitan Legal Department for review and for the inclusion of additional comment or reporting prior to submission to the Metropolitan Council, including without limitation any information considered material to the Metro Council fully understanding the status of transitioning

employees from Public Works to MWS, and the status and quality of solid waste services being provided under the Memorandum of Understanding.

INTRODUCED BY:

Freddie O'Connell
Member of Council

AMENDMENT NO. ____
TO
RESOLUTION NO. RS2021-837

Mr. President –

I hereby move to amend Resolution No. RS2021-837 by amending the ballot summary for the proposed amendment to the Metropolitan Charter as follows:

This amendment provides that the Metropolitan Government’s exercise of power pertaining to government-owned property, and the Council’s authority to set property tax levies, are subject to a public referendum only as required by state law, and that any automatic reversion of the property tax levy shall be as specifically authorized by state law. This amendment defines “benefits” for elected officials as health insurance provided for elected officials taking office after September 1, 2023. This amendment ~~would provide~~ provides that if there is a conflict between the Council’s authority to enact ordinances under Section 3.05 and any provision of Article 18 of the Charter (other than the rezoning of property), Section 3.05 will prevail. This amendment adds a definition for “professional sports team” to mean an entity operating a sports team that commences operations within Metropolitan Nashville and Davidson County after the effective date of this amendment and participates in the National Football League, National Basketball Association, National Hockey League, Major League Soccer, or Major League Baseball. This amendment retains the Charter’s existing processes and requirements for the recall of elected officials and amendments to the Charter, to prevail over any provisions in Sections 15.07, 15.08, or 19.04 to the contrary.

SPONSORED BY:

Bob Mendes
Member of Council

ORDINANCE NO. BL2021-_____

An ordinance providing for the waiver of certain building permit fees for the repair or rebuilding of property damaged as a result of the March 27-28, 2021 flooding.

WHEREAS, more than seven inches of rain descended on Nashville March 27-28, 2021, causing widespread flooding, especially along the creeks and Harpeth River, unseen since the 2010 flood; and

WHEREAS, the damage from the flooding resulted in the declaration of a State of Emergency by Mayor John Cooper; and

WHEREAS, the repair and replacement of homes, businesses, and other structures will be costly and will create an economic hardship for many residents and business owners as they recover from this disaster; and

WHEREAS, the Metropolitan Government of Nashville and Davidson County desires to assist its residents and small businesses as they rebuild their lives by waiving all or a portion of the fees for building permits.

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

Section 1. (a) Notwithstanding the provisions of Title 16 of the Metropolitan Code, and conditioned on the provisions of subsection (b) of this section, fees shall be waived for all property owners (or their authorized agents), whether for residential or commercial construction, for a building permit obtained for repairing or rebuilding an owner's property.

(b) Conditions:

1. The permits are obtained to repair damage to the owner's property caused by flooding from the March 27-28, 2021 excessive rainfall event.
2. The permits are obtained on or before June 30, 2022.
3. The permits are issued to construct, alter, repair, enlarge, move or demolish any building or structure or part thereof or any appurtenances connected or attached thereto.
4. The owner must provide evidence satisfactory to the director of codes administration or his designee that the work is being performed as a result of damage as provided in subsection (b)(1), above.
5. Property owners who paid building permit fees for flooding related damage prior to the effective date of this ordinance shall be entitled to a refund if they provide evidence satisfactory to the director of codes administration or his designee that the permit was obtained for work resulting from damage as provided in subsection (b)(1), above.

(c) In order to be eligible for the permit fee waiver, the property owner or their authorized agent must sign an affidavit on a form prescribed by the Department of Codes Administration attesting

that the permit fees are not eligible for reimbursement from property insurance or other funding sources.

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

INTRODUCED BY:

Courtney Johnston
Member of Council

Substitute Ordinance No. BL2021-646

An ordinance making amendments to various provisions of Titles 2, ~~and 12~~ and 13 of the Metropolitan Code to facilitate the implementation and operation of a Smart Parking program.

WHEREAS, Section 11.907 of the Charter provides the following as to the Traffic and Parking Commission (the "Commission"):

Sec. 11.907. - Management and control of parking meters, garages and other traffic facilities.

The commission shall have power to control and manage parking facilities in any metropolitan street or road, including the installation of parking meters or other necessary equipment in connection therewith. The commission shall prescribe and may revise a schedule of service charges in connection with the use of parking meters, a copy of which schedule shall be kept on file and subject to public inspection at the office of the commission and at the office of the metropolitan clerk.

The commission shall also have control and management of any public parking garage or other traffic facilities, and with the acquisition, construction and establishment of the same. The commission may enter into lease agreements with private operators to operate the parking facilities owned by the metropolitan government. The commission is authorized to collect rents, fees or other charges for such parking garage and other traffic facilities as it may operate and manage.

All moneys collected by the commission from parking meters, or any other service charges, shall be remitted by it to the metropolitan treasurer, who shall keep such moneys in a separate account earmarked for traffic and parking improvements; and,

WHEREAS, the Metropolitan Government ("Metro") has determined that its on-street metered parking program (the "Metered Parking System") is in need of modernization, is not as efficient and convenient as it could be, and does not maximize the value of the program for funding traffic and parking improvements, as described in Section 11.907 of the Charter; and,

WHEREAS, the authority provided in Section 11.907 of the Charter, which authorizes Metro to enter into lease agreements with private operators to operate parking facilities, such as on-street metered parking within the rights of way of Metro, effectively authorizes Metro to utilize a competitive procurement process to contract for the operation of the on-street metered parking within the Metro rights-of-way; and,

WHEREAS, Metro plans to publish a Smart Parking RFP (the "RFP") with the objective to enter into a parking services agreement with an outside parking management partner to upgrade and manage the operations of Metro's parking system by integrating state-of-the-art hardware, software, and operating solutions to maximize convenience and payment options, streamline and optimize enforcement activities, and increase parking compliance and,

WHEREAS, it is in the best interests of potential offerors and ultimately Metro, that various related changes be made to the Metropolitan Code.

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

Section 1. Section 2.44.070 of the Metropolitan Code shall be deleted in its entirety, and shall be replaced with the following:

2.44.070 - Parking enforcement patrol.

- A. There is created a parking enforcement patrol, for service in connection with the traffic law enforcement functions of the department of metropolitan police and Department of Public Works, which shall, with the assistance of the Traffic and Parking Commission and staff thereof, including any contractors and subcontractors thereof, police and control parking meter areas located on public thoroughfares, alleys and streets, such patrolling and supervision being necessary for the proper enforcement of parking violations. The parking enforcement patrol officers shall be instructed and trained by the Department of Public Works, and at the request of the Director of Public Works, the chief of police shall appoint a designee who shall be responsible for any additional training of parking enforcement patrol officers that the Director of Public Works and the Chief of Police deem necessary. The parking enforcement patrol officers shall be hired by the Department of Public Works in accordance with that department's usual civil service procedures, but may also be appointed as special police with authority to enforce parking ordinances, and police powers to enforce meter and other parking violations are hereby extended to such parking enforcement patrol officers within the area of the metropolitan government.
- B. The primary duty of the parking enforcement patrol officers shall be to patrol the streets of the metropolitan government area that have parking meters and to issue parking violation tickets for meter and parking violations. Their primary areas of patrol will be the parking meter areas, but they may be assigned to assist the police to enforce parking laws and regulations in other areas.
- C. All expenses of training, uniforms, equipment and salaries, and all other incidental expenses of the parking enforcement patrol program shall be borne by the metropolitan traffic and parking commission, Public Works, or its contractors.
- D. To the extent permitted by state law and the Metropolitan Charter, the parking enforcement patrol may utilize one or more contractors to perform the responsibilities assigned in this section, including assistance in the investigation of potential parking violations such as the collection and transmission of images recorded on any medium by a traffic control photographic system, license plate recognition technology, or other devices. Parking enforcement patrol officers may conduct investigations by reviewing evidence presented to them by contractors and may issue or cause the issuance of citations based on such evidence where warranted. Parking patrol officers may utilize contractors to deliver notices of citation to the owners of vehicles in violation, but any such citation shall be based on a parking enforcement patrol officer's determination that there is probable cause to believe that a violation of the parking provisions of the Metropolitan Code has been committed.

Section 2. Section 2.56.210 of the Metropolitan Code is amended as follows:

By adding the following text at the end of subsection F.:

Alternatively, the traffic violations bureau, police department, parking enforcement patrol and its contractors may utilize electronic forms for notifying traffic violators to appear in answer to charges of violating traffic ordinances or traffic regulations of the city, so long as there are

equivalent ways to ensure that such forms are retained in duplicate copy (which may also be in electronic form) as reliably as the method specified above.

Section 3. Section 12.04.230 of the Metropolitan Code is amended by deleting the period at the end of this section and adding the following at the end of the sentence:

“; a parking meter may include a parking pay station, including one that services multiple parking spaces.”

Section 4. Section 12.04.235 of the Metropolitan Code is amended by deleting the existing language in its entirety and replacing it with the following:

“Parking meter space” means any space adjacent to a parking meter, or on the same block as a parking meter that services multiple spaces, and which is duly designated for the parking of a single vehicle.

Section 5. Section 12.08.150 of the Metropolitan Code is hereby amended as follows:

By deleting the definition contained in subsection A.1. thereof in its entirety and replacing it with the following:

A.1. “Immobilization” or “Immobilize” means the attachment of any device to a vehicle that prevents the vehicle from being legally driven.

By deleting the first sentence of subsection B. thereof and replacing it with the following:

B. Members of the metropolitan police department or the parking enforcement patrol or its contractor shall have authority to impound or immobilize any vehicle under the circumstances hereinafter enumerated:

By deleting subsections D., E. and F. thereof in their entirety, and replacing them with the following:

D. Whenever an officer of the metropolitan police department or the parking enforcement patrol or its contractor (with authorization from the parking enforcement patrol) removes a vehicle from any alley, street, highway or thoroughfare, as authorized in this section, the officer or contractor shall obtain from the wrecker or tow-in service employee a receipt in triplicate, one copy of which shall be retained by the wrecker or tow-in service employee, describing the vehicle, the reasons for its removal, the place where the vehicle is to be stored, and all items of a personal nature found in the vehicle and not attached to or a part of the vehicle. Such officer or contractor shall give or cause to be given to the owner of such vehicle the duplicate copy of such receipt described in the preceding sentences as notice to such owner of the fact of removal. The original of such receipt described above shall be retained by the police department, or parking enforcement patrol, (as applicable) as a permanent record. If the parking enforcement patrol's contractor arranges for the removal of the vehicle, the contractor shall turn over the duplicate copy of this receipt to the parking enforcement patrol staff at the Department of Public Works for retention.

E. The owner or authorized driver or operator of the impounded vehicle may submit an application to the police department, parking enforcement patrol or its contractor (as applicable) to take possession of the same and remove such vehicle from the place to which it has been removed or stored by paying the costs of removing the vehicle from such street or alley and all charges which may have accrued for the storage of the vehicle. The contents and format of such form application shall be approved metropolitan chief of police and the department of law.

Notwithstanding the foregoing, if the metropolitan general sessions court or other court of competent jurisdiction, after hearing the facts and circumstances, determines that the impoundment was not lawfully authorized, the towing and storage fees shall be refunded to the person paying such fees.

F. The owner or authorized driver or operator of any immobilized vehicle under the provisions of this section may take possession of the vehicle upon paying a twenty-five dollar immobilization removal fee to the metropolitan traffic violations bureau or its contractor; provided, that if the metropolitan general sessions court or other court of competent jurisdiction, after hearing the facts and circumstances, determines that the placement of the immobilization device was not lawfully authorized, the immobilization removal fee shall be refunded to the person paying such fee.

Section 6. The definition of "Department" in Section 12.41.010 of the Metropolitan Code is amended by deleting the period following "public works" and adding the following at the end of the sentence:

" , or its designee. The designee of the department of public works may be its contractor."

Section 7. Subsection B. of Section 12.41.040 of the Metropolitan Code is amended by replacing the third use of the word "shall" in that Subsection with the word "may."

Section 8. Section 12.42.010 of the Metropolitan Code is amended by adding the following new definition to it, which shall be placed in alphabetical order with regard to the other definitions contained therein:

"Chief Traffic Engineer" means the Chief Traffic Engineer or his/her designee. The designee of the Chief Traffic Engineer may be a contractor."

Section 9. Section 12.44.010.A. of the Metropolitan Code is amended by inserting a period following the words: "Schedule VIII" and deleting all the text of that subsection following thereafter.

Section 10. Section 12.44.020 of the Metropolitan Code is amended by deleting the existing language in its entirety and replacing it with the following:

12.44.020 - Meter design and installation specifications

A.

1. The department of public works, or its contractor, shall cause parking meters to be installed in the parking meter zones established as provided in this chapter upon the curb adjacent to, or located on the same block with, the designated parking space(s). Each meter shall be capable of being operated upon the receipt of payment for the full period of time for which parking is lawfully permitted in any such parking meter zone.

2. Alternatively, where so authorized by the Traffic and Parking Commission, the department of public works or its contractor may charge for parking in an on-street parking space within the parking meter zone without a parking meter being installed and without using a parking meter, but by setting up a system where payments for parking in such spaces may be made by customers via a web-based application. Signs or paint markings shall be used to identify a particular space consistent with the information provided via the web-based application, and a receipt for payment for the parking shall be conveyed to the customer, electronically or by other means, so as to enable the customer to prove that he or she paid to park in that particular space.

B. Upon the expiration of the time period for which the customer paid to park, the customer shall be given adequate notice of the expiration of that period, by one or more of the following methods.

1. If there is a parking meter installed adjacent to the designated parking space, that parking meter shall be so designed, constructed, installed and set that, upon the expiration of the time period for which the customer had paid to park, it will indicate by an appropriate signal that the lawful parking meter period has expired, and during such period of time and prior to the expiration thereof, will indicate the interval of time remaining. If a parking meter on a block services multiple parking spaces, that parking meter shall be capable of displaying the status of each parking space serviced (i.e., whether it is expired, or if not, how much time remains of the period for which payment was made).

2. Spaces that are part of the parking meter zone but which do not have parking meters installed, and where payment for parking in those spaces is instead made via a web-based application described in subsection A.2. of this section, the customer shall be given adequate notice of the expiration of the period for which he or she has paid to park, by text message or by another means of communication to which the customer has consented.

Section 11. Section 12.44.040 of the Metropolitan Code is hereby deleted in its entirety and replaced with the following:

12.44.040 – Payment for parking—Time limits for use.

A. If any one of the following applies, no person shall park a vehicle in any parking space upon a street within a parking meter zone during the restricted and regulated time applicable to the parking meter zone in which such parking space is located, unless the applicable parking rate has been paid for the period of time for which said vehicle is parked in such parking space.

1. The parking space is located alongside of and next to a parking meter.

2. The parking space is located on a block where a parking meter servicing multiple parking spaces is installed and the parking space where the vehicle is parked has signs or markings indicating that payment is required to be made for parking in that space.

3. The parking space is a part of the parking meter zone whereby payment for parking in that space is made via a web-based application, such as is described in subsection A.2. of Section 12.44.020, and the parking space where the vehicle is parked has signs or markings indicating that payment is required to be made for parking in that space.

B. If any one of the following applies, no person shall permit a vehicle within his or her control to be parked in any such parking space during the restricted and regulated time applicable to the parking meter zone in which such parking space is located, unless the applicable parking rate has been paid for the period of time for which said vehicle is parked in such parking space.

1. The parking space is located alongside of and next to a parking meter.

2. The parking space is located on a block where a parking meter servicing multiple parking spaces is installed and the parking space where the vehicle is parked has signs or markings indicating that payment is required to be made for parking in that space.

3. The parking space is a part of the parking meter zone whereby payment for parking in that space is instead made via a web-based application described in subsection A.2. of Section

12.44.020, and the parking space where the vehicle is parked has signs or markings indicating that payment is required to be made for parking in that space.

C. No person shall park a vehicle in any such parking space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such parking space is located, regardless of the amount of the payment made. If any vehicle shall remain parked in any such parking space beyond the parking time limit fixed for such parking space the customer shall be given adequate notice of the expiration of that period by one or more of the methods indicated in subsections C.1-C.2., below. The fact that notice has been given through one of the methods indicated below, shall be prima facie evidence that such vehicle has been parked overtime and beyond the period of legal parking time in any such part of a street where any such parking space is located, and shall be a violation of this section. Each period of overtime parking beyond the duration of that limited period of time, for which parking is lawfully permitted in the parking meter zone, in which such parking space is located, shall be considered a separate offense.

1. If there is a parking meter installed adjacent to the designated parking space, that parking meter shall be so designed, constructed, installed and set that, upon the expiration of the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, it will display a sign or signal showing illegal parking. If a parking meter on a block services multiple parking spaces, that parking meter shall be capable of displaying the status of each parking space serviced (i.e., whether it constitutes illegal parking beyond the time limit fixed for such parking space).

2. In the case of spaces that are part of part of the parking meter zone but which do not have parking meters installed, and where payment for parking in those spaces is instead made via a web-based application described in subsection A.2. of Section 12.44.020, the customer shall be given adequate notice by text message, or by another means of communication, to which the customer has consented, that the limited period of time for which parking is lawfully permitted in the parking meter zone, in which such meter is located, has expired, and that continued parking in that space beyond that period constitutes illegal parking.

3. The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this title and the State Vehicular Code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Section 12. Section 12.44.060 of the Metropolitan Code shall be amended by adding the phrase “or other related equipment” to the end of this section.

Section 13. Section 12.44.070 of the Metropolitan Code shall be amended by deleting the existing language in its entirety and replacing it with the following:

Section 12.44.070 – Disabled driver parking in parking meter zones—Notice.

The department of public works shall either post appropriate signage within parking meter zones or include a statement on each parking meter informing drivers that, pursuant to T.C.A. 55-21-105, no parking meter fee is required for vehicles with a valid disabled driver license plate or placard. The foregoing does not entitle a vehicle with a valid disabled driver license plate or placard to park for a consecutive period of time exceeding any parking time limit applicable to the parking meter zone in question, without that violation being subject to penalty, in the form of the application of the fine for parking for a consecutive period of time, longer than that limited period of time, for which parking is lawfully permitted in the parking meter zone, in which such parking space is located.

Section 14. Section 12.44.080 of the Metropolitan Code shall be deleted in its entirety.

Section 15. Pursuant to Tenn. Code Ann. Section 9-1-108(c)(3), the Metropolitan Government hereby waives the collection of the processing fees for payments made for on-street parking by customers of Metro's parking system in an amount that is equal to the amount paid by the third party processor for processing the payment.

Section 16. Subsection H. of Section 13.08.080 of the Metropolitan Code is amended by adding the following to the end of the section:

Notwithstanding the foregoing, the provisions of this section shall also not apply to the operation of a license plate scanner installed onto or within the public right-of-way that meets each of the following conditions:

- a. The license plate scanner is used solely and exclusively for determining whether a vehicle is violating parking restrictions; and
- b. A specific vehicle's license plate number shall be deleted within thirty minutes of its exit from a monitored parking space, unless that vehicle is suspected of violating parking restrictions for which enforcement action would be appropriate.

Section 17. This ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government requiring it.

RECOMMENDED BY:



Director, Department of Public Works

SPONSORED BY:

APPROVED AS TO AVAILABILITY OF FUNDS:



Director, Department of Finance

APPROVED AS TO FORM AND LEGALITY:



Assistant Metropolitan Attorney

Member(s) of Council

SUBSTITUTE ORDINANCE NO. BL2021-646

**An ordinance making amendments to various provisions of Titles 2, ~~and 12,~~
and 13 of the Metropolitan Code to facilitate the implementation and
operation of a Smart Parking program.**

WHEREAS, Section 11.907 of the Charter provides the following as to the Traffic and Parking Commission (the "Commission"):

Sec. 11.907. - Management and control of parking meters, garages and other traffic facilities.

The commission shall have power to control and manage parking facilities in any metropolitan street or road, including the installation of parking meters or other necessary equipment in connection therewith. The commission shall prescribe and may revise a schedule of service charges in connection with the use of parking meters, a copy of which schedule shall be kept on file and subject to public inspection at the office of the commission and at the office of the metropolitan clerk.

The commission shall also have control and management of any public parking garage or other traffic facilities, and with the acquisition, construction and establishment of the same. The commission may enter into lease agreements with private operators to operate the parking facilities owned by the metropolitan government. The commission is authorized to collect rents, fees or other charges for such parking garage and other traffic facilities as it may operate and manage.

All moneys collected by the commission from parking meters, or any other service charges, shall be remitted by it to the metropolitan treasurer, who shall keep such moneys in a separate account earmarked for traffic and parking improvements; and,

WHEREAS, the Metropolitan Government ("Metro") has determined that its on-street metered parking program (the "Metered Parking System") is in need of modernization, is not as efficient and convenient as it could be, and does not maximize the value of the program for funding traffic and parking improvements, as described in Section 11.907 of the Charter; and,

WHEREAS, the authority provided in Section 11.907 of the Charter, which authorizes Metro to enter into lease agreements with private operators to operate parking facilities, such as on-street metered parking within the rights of way of Metro, effectively authorizes Metro to utilize a competitive procurement process to contract for the operation of the on-street metered parking within the Metro rights-of-way; and,

WHEREAS, Metro plans to publish a Smart Parking RFP (the "RFP") with the objective to enter into a parking services agreement with an outside parking management partner to upgrade and manage the operations of Metro's parking system by integrating state-of-the-art hardware, software, and operating solutions to maximize convenience and payment options, streamline and optimize enforcement activities, and increase parking compliance and,

WHEREAS, in order to ensure that Metro's parking management program is best serving our citizens, the initial term of any contract with a private operator that provides for any level of enforcement authority shall not exceed 5 years; and

WHEREAS, it is the intention of the Metropolitan Council that the scope of any such contract be reevaluated prior to renewal, and a determination should be made as to whether it is in Metro's

best long term interest for the parking management and enforcement operations to be returned to Metro.

WHEREAS, it is in the best interests of potential offerors and ultimately Metro, that various related changes be made to the Metropolitan Code.

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

Section 1. Section 2.44.070 of the Metropolitan Code shall be deleted in its entirety, and shall be replaced with the following:

2.44.070 - Parking enforcement patrol.

A. There is created a parking enforcement patrol, for service in connection with the traffic law enforcement functions of the department of metropolitan police and Department of Public Works, which shall, with the assistance of the Traffic and Parking Commission and staff thereof, including any contractors and subcontractors thereof, police and control parking meter areas located on public thoroughfares, alleys and streets, such patrolling and supervision being necessary for the proper enforcement of parking violations. The parking enforcement patrol officers shall be instructed and trained by the Department of Public Works, and at the request of the Director of Public Works, the chief of police shall appoint a designee who shall be responsible for any additional training of parking enforcement patrol officers that the Director of Public Works and the Chief of Police deem necessary. The parking enforcement patrol officers shall be hired by the Department of Public Works in accordance with that department's usual civil service procedures, but may also be appointed as special police with authority to enforce parking ordinances, and police powers to enforce meter and other parking violations are hereby extended to such parking enforcement patrol officers within the area of the metropolitan government.

A. The primary duty of the parking enforcement patrol officers shall be to patrol the streets of the metropolitan government area that have parking meters and to issue parking violation tickets for meter and parking violations. Their primary areas of patrol will be the parking meter areas, but they may be assigned to assist the police to enforce parking laws and regulations in other areas.

B. All expenses of training, uniforms, equipment and salaries, and all other incidental expenses of the parking enforcement patrol program shall be borne by the metropolitan traffic and parking commission, Public Works, or its contractors.

C. To the extent permitted by state law and the Metropolitan Charter, the parking enforcement patrol may utilize one or more contractors to perform the responsibilities assigned in this section, including assistance in the investigation of potential parking violations such as the collection and transmission of images recorded on any medium by a traffic control photographic system, license plate recognition technology, or other devices. Parking enforcement patrol officers may conduct investigations by reviewing evidence presented to them by contractors and may issue or cause the issuance of citations based on such evidence where warranted. Parking patrol officers may utilize contractors to deliver notices of citation to the owners of vehicles in violation, but any such citation shall be based on a parking enforcement patrol officer's determination that there is probable cause to believe that a violation of the parking provisions of the Metropolitan Code has been committed.

D. The initial term of any contract with a contractor as authorized by this section shall be limited in duration to no greater than sixty months.

Section 2. Section 2.56.210 of the Metropolitan Code is amended as follows:

By adding the following text at the end of subsection F.:

Alternatively, the traffic violations bureau, police department, parking enforcement patrol and its contractors may utilize electronic forms for notifying traffic violators to appear in answer to charges of violating traffic ordinances or traffic regulations of the city, so long as there are equivalent ways to ensure that such forms are retained in duplicate copy (which may also be in electronic form) as reliably as the method specified above.

Section 3. Section 12.04.230 of the Metropolitan Code is amended by deleting the period at the end of this section and adding the following at the end of the sentence:

“; a parking meter may include a parking pay station, including one that services multiple parking spaces.”

Section 4. Section 12.04.235 of the Metropolitan Code is amended by deleting the existing language in its entirety and replacing it with the following:

“Parking meter space” means any space adjacent to a parking meter, or on the same block as a parking meter that services multiple spaces, and which is duly designated for the parking of a single vehicle.

Section 5. Section 12.08.150 of the Metropolitan Code is hereby amended as follows:

By deleting the definition contained in subsection A.1. thereof in its entirety and replacing it with the following:

A.1. “Immobilization” or “Immobilize” means the attachment of any device to a vehicle that prevents the vehicle from being legally driven.

By deleting the first sentence of subsection B. thereof and replacing it with the following:

B. Members of the metropolitan police department or the parking enforcement patrol or its contractor shall have authority to impound or immobilize any vehicle under the circumstances hereinafter enumerated:

By deleting subsections D., E. and F. thereof in their entirety, and replacing them with the following:

D. Whenever an officer of the metropolitan police department or the parking enforcement patrol or its contractor (with authorization from the parking enforcement patrol) removes a vehicle from any alley, street, highway or thoroughfare, as authorized in this section, the officer or contractor shall obtain from the wrecker or tow-in service employee a receipt in triplicate, one copy of which shall be retained by the wrecker or tow-in service employee, describing the vehicle, the reasons for its removal, the place where the vehicle is to be stored, and all items of a personal nature found in the vehicle and not attached to or a part of the vehicle. Such officer or contractor shall give or cause to be given to the owner of such vehicle the duplicate copy of such receipt described in the preceding sentences as notice to such owner of the fact of removal. The original of such receipt described above shall be retained by the police department, or parking enforcement patrol, (as applicable) as a permanent record. If the parking enforcement patrol’s

contractor arranges for the removal of the vehicle, the contractor shall turn over the duplicate copy of this receipt to the parking enforcement patrol staff at the Department of Public Works for retention.

E. The owner or authorized driver or operator of the impounded vehicle may submit an application to the police department, parking enforcement patrol or its contractor (as applicable) to take possession of the same and remove such vehicle from the place to which it has been removed or stored by paying the costs of removing the vehicle from such street or alley and all charges which may have accrued for the storage of the vehicle. The contents and format of such form application shall be approved metropolitan chief of police and the department of law. Notwithstanding the foregoing, if the metropolitan general sessions court or other court of competent jurisdiction, after hearing the facts and circumstances, determines that the impoundment was not lawfully authorized, the towing and storage fees shall be refunded to the person paying such fees.

F. The owner or authorized driver or operator of any immobilized vehicle under the provisions of this section may take possession of the vehicle upon paying a twenty-five dollar immobilization removal fee to the metropolitan traffic violations bureau or its contractor; provided, that if the metropolitan general sessions court or other court of competent jurisdiction, after hearing the facts and circumstances, determines that the placement of the immobilization device was not lawfully authorized, the immobilization removal fee shall be refunded to the person paying such fee.

Section 6. The definition of "Department" in Section 12.41.010 of the Metropolitan Code is amended by deleting the period following "public works" and adding the following at the end of the sentence:

" , or its designee. The designee of the department of public works may be its contractor, provided the initial term of such contract does not exceed sixty months."

Section 7. Subsection B. of Section 12.41.040 of the Metropolitan Code is amended by replacing the third use of the word "shall" in that Subsection with the word "may."

Section 8. Section 12.42.010 of the Metropolitan Code is amended by adding the following new definition to it, which shall be placed in alphabetical order with regard to the other definitions contained therein:

"Chief Traffic Engineer" means the Chief Traffic Engineer or his/her designee. The designee of the Chief Traffic Engineer may be a contractor, provided the initial term of such contract does not exceed sixty months."

Section 9. Section 12.44.010.A. of the Metropolitan Code is amended by inserting a period following the words: "Schedule VIII" and deleting all the text of that subsection following thereafter.

Section 10. Chapter 12.44. of the Metropolitan Code is amended by adding the following new Section 12.44.015:

12.44.015 – Use of contractors.

No contract providing for contractor enforcement of any of the provisions of this chapter shall have an initial term exceeding sixty months in duration. Any renewal or extension of the contract must be approved by an ordinance enacted by the Metropolitan Council.

Section ~~40~~11. Section 12.44.020 of the Metropolitan Code is amended by deleting the existing language in its entirety and replacing it with the following:

12.44.020 - Meter design and installation specifications

A.

1. The department of public works, or its contractor, shall cause parking meters to be installed in the parking meter zones established as provided in this chapter upon the curb adjacent to, or located on the same block with, the designated parking space(s). Each meter shall be capable of being operated upon the receipt of payment for the full period of time for which parking is lawfully permitted in any such parking meter zone.

2. Alternatively, where so authorized by the Traffic and Parking Commission, the department of public works or its contractor may charge for parking in an on-street parking space within the parking meter zone without a parking meter being installed and without using a parking meter, but by setting up a system where payments for parking in such spaces may be made by customers via a web-based application. Signs or paint markings shall be used to identify a particular space consistent with the information provided via the web-based application, and a receipt for payment for the parking shall be conveyed to the customer, electronically or by other means, so as to enable the customer to prove that he or she paid to park in that particular space.

B. Upon the expiration of the time period for which the customer paid to park, the customer shall be given adequate notice of the expiration of that period, by one or more of the following methods.

1. If there is a parking meter installed adjacent to the designated parking space, that parking meter shall be so designed, constructed, installed and set that, upon the expiration of the time period for which the customer had paid to park, it will indicate by an appropriate signal that the lawful parking meter period has expired, and during such period of time and prior to the expiration thereof, will indicate the interval of time remaining. If a parking meter on a block services multiple parking spaces, that parking meter shall be capable of displaying the status of each parking space serviced (i.e., whether it is expired, or if not, how much time remains of the period for which payment was made).

2. Spaces that are part of the parking meter zone but which do not have parking meters installed, and where payment for parking in those spaces is instead made via a web-based application described in subsection A.2. of this section, the customer shall be given adequate notice of the expiration of the period for which he or she has paid to park, by text message or by another means of communication to which the customer has consented.

Section ~~41~~12. Section 12.44.040 of the Metropolitan Code is hereby deleted in its entirety and replaced with the following:

12.44.040 - Payment for parking-Time limits for use.

A. If any one of the following applies, no person shall park a vehicle in any parking space upon a street within a parking meter zone during the restricted and regulated time applicable to the parking meter zone in which such parking space is located, unless the applicable parking rate has been paid for the period of time for which said vehicle is parked in such parking space.

1. The parking space is located alongside of and next to a parking meter.

2. The parking space is located on a block where a parking meter servicing multiple parking spaces is installed and the parking space where the vehicle is parked has signs or markings indicating that payment is required to be made for parking in that space.

3. The parking space is a part of the parking meter zone whereby payment for parking in that space is made via a web-based application, such as is described in subsection A.2. of Section 12.44.020, and the parking space where the vehicle is parked has signs or markings indicating that payment is required to be made for parking in that space.

B. If any one of the following applies, no person shall permit a vehicle within his or her control to be parked in any such parking space during the restricted and regulated time applicable to the parking meter zone in which such parking space is located, unless the applicable parking rate has been paid for the period of time for which said vehicle is parked in such parking space.

1. The parking space is located alongside of and next to a parking meter.

2. The parking space is located on a block where a parking meter servicing multiple parking spaces is installed and the parking space where the vehicle is parked has signs or markings indicating that payment is required to be made for parking in that space.

3. The parking space is a part of the parking meter zone whereby payment for parking in that space is instead made via a web-based application described in subsection A.2. of Section 12.44.020, and the parking space where the vehicle is parked has signs or markings indicating that payment is required to be made for parking in that space.

C. No person shall park a vehicle in any such parking space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such parking space is located, regardless of the amount of the payment made. If any vehicle shall remain parked in any such parking space beyond the parking time limit fixed for such parking space the customer shall be given adequate notice of the expiration of that period by one or more of the methods indicated in subsections C.1-C.2., below. The fact that notice has been given through one of the methods indicated below, shall be prima facie evidence that such vehicle has been parked overtime and beyond the period of legal parking time in any such part of a street where any such parking space is located, and shall be a violation of this section. Each period of overtime parking beyond the duration of that limited period of time, for which parking is lawfully permitted in the parking meter zone, in which such parking space is located, shall be considered a separate offense.

1. If there is a parking meter installed adjacent to the designated parking space, that parking meter shall be so designed, constructed, installed and set that, upon the expiration of the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, it will display a sign or signal showing illegal parking. If a parking meter on a block services multiple parking spaces, that parking meter shall be capable of displaying the status of each parking space serviced (i.e., whether it constitutes illegal parking beyond the time limit fixed for such parking space).

2. In the case of spaces that are part of part of the parking meter zone but which do not have parking meters installed, and where payment for parking in those spaces is instead made via a web-based application described in subsection A.2. of Section 12.44.020, the customer shall be given adequate notice by text message, or by another means of communication, to which the customer has consented, that the limited period of time for which parking is lawfully permitted in

the parking meter zone, in which such meter is located, has expired, and that continued parking in that space beyond that period constitutes illegal parking.

3. The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this title and the State Vehicular Code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Section ~~42~~13. Section 12.44.060 of the Metropolitan Code shall be amended by adding the phrase “or other related equipment” to the end of this section.

Section ~~43~~14. Section 12.44.070 of the Metropolitan Code shall be amended by deleting the existing language in its entirety and replacing it with the following:

Section 12.44.070 - Disabled driver parking in parking meter zones-Notice.

The department of public works shall either post appropriate signage within parking meter zones or include a statement on each parking meter informing drivers that, pursuant to T.C.A. 55-21-105, no parking meter fee is required for vehicles with a valid disabled driver license plate or placard. The foregoing does not entitle a vehicle with a valid disabled driver license plate or placard to park for a consecutive period of time exceeding any parking time limit applicable to the parking meter zone in question, without that violation being subject to penalty, in the form of the application of the fine for parking for a consecutive period of time, longer than that limited period of time, for which parking is lawfully permitted in the parking meter zone, in which such parking space is located.

Section ~~44~~15. Section 12.44.080 of the Metropolitan Code shall be deleted in its entirety.

Section ~~45~~16. Pursuant to Tenn. Code Ann. Section 9-1-108(c)(3), the Metropolitan Government hereby waives the collection of the processing fees for payments made for on-street parking by customers of Metro’s parking system in an amount that is equal to the amount paid by the third party processor for processing the payment.

Section ~~46~~17. Subsection H. of Section 13.08.080 of the Metropolitan Code is amended by adding the following to the end of the section:

Notwithstanding the foregoing, the provisions of this section shall also not apply to the operation of a license plate scanner installed onto or within the public right-of-way that meets each of the following conditions:

- a. The license plate scanner is used solely and exclusively for determining whether a vehicle is violating parking restrictions; and
- b. A specific vehicle’s license plate number shall be deleted within thirty minutes of its exit from a monitored parking space, unless that vehicle is suspected of violating parking restrictions for which enforcement action would be appropriate.

Section ~~47~~18. This ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government requiring it.

INTRODUCED BY:

Sean Parker
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-387, AS AMENDED

Mr. President –

I hereby move to amend Ordinance No. BL2020-387, as amended, by amending Section 1, proposed Metropolitan Code of Laws Section 3.24.010 by deleting proposed subsection C.5 in its entirety and renumbering the subsequent subsection accordingly, as follows:

- ~~5. Members of council serving at least (8) years who are otherwise covered by subsection 3 above shall have the option of participating in the comprehensive health care plan at the higher contribution rates set forth in subsection 4 above if they so choose.~~
65. Except as provided above, no member of council serving after October 1, 2027, shall be eligible for the subsidized health care plan after leaving office.

SPONSORED BY:

Tonya Hancock
Member of Council

AMENDMENT NO. ____

TO

SUBSTITUTE ORDINANCE NO. BL2020-535

Mr. President –

I hereby move to amend Substitute Ordinance No. BL2020-535 as follows:

I. By amending Section 1 by amending proposed Metropolitan Code of Laws Section 16.20.150(T) as follows:

(T) Article 410.10 of the 2017 Edition of the National Electrical Code is amended by adding the following Section G:

Parking Lots - Open parking lots shall use luminaires with a "U" BUG rating (Backlight Uplighting Glare) of 0 without external shields. Luminaires shall have a Correlated Color Temperature (CCT) of 3000 Kelvin or below. Principal walkways and parking shall have a maintained minimum illuminance of 0.2 foot-candles at grade. The average light level is not to exceed ~~1.25 foot-candles~~ the average lighting levels set forth in the table below, as related to the Transect Category for the site as designated in the Community Plans of NashvilleNext. Spill light at the property line shall not exceed 0.5 foot-candles measured at 3' above grade. Exception may be given for calculation points on the drive between the parking lot and roadway only. Luminaires shall be controlled by occupancy sensor or timers after business hours or between the hours of ~~11 p.m. to 4 a.m.~~ 12 a.m. to 6 a.m., at a minimum. Occupancy sensors or timers may turn lights off or dim by at least 30% during periods of no occupancy. Prior to installation, a photometric plan shall be reviewed by a certifying engineer with calculation points on a 10' X 10' grid.

<u>Transect Category</u>	<u>Average Lighting Level</u>
<u>T1 Natural, T2 Rural</u>	<u>0.8 foot-candles at grade</u>
<u>T-3 Suburban</u>	<u>1.25 foot-candles at grade</u>
<u>T4 Urban, T-5 Center, T-6 Downtown</u>	<u>1.5 foot-candles at grade</u>

II. By amending Section 2, by amending proposed Metropolitan Code of Laws Section 17.28.100, subsection A, by adding the following definition in alphabetical order:

"Municipal stadium" means a structure:

1. With seats for not less than thirty thousand spectators;
2. Constructed after July 7, 1977;
3. Used primarily for sporting events and other related activities; and
4. Currently financed or was financed by general obligation bonds, revenue bonds or other indebtedness issued by the metropolitan government or the sports authority.

III. By amending Section 1 by deleting the proposed Metropolitan Code of Laws Section 17.28.100.B.1 and replacing it as follows:

1. Residential and Agricultural: All exterior lighting, excluding freestanding floodlights, is subject to subsection E.4 only. Freestanding floodlights shall be subject to subsections E.1.d, E.2, and E.4.

IV. By amending Section 2, by amending proposed Metropolitan Code of Laws Section 17.28.100, subsection C, as follows:

C. Exempt Outdoor Lighting

The following lighting is exempt from the provisions of these outdoor lighting regulations for new construction in any zoning district as of the effective date hereof, provided such activities are permitted by this Title:

1. Temporary lighting for theatrical, television, performance areas and construction sites, specifically excluding upward-facing searchlights used to advertise the location of an event.
2. Lighting that is otherwise required for a life-safety purpose within the Metropolitan Code.
3. Lighting that is only erected or used under emergency conditions.
4. Lighting located within the ~~Second Avenue Historic Preservation Zoning Overlay or Broadway Historic Preservation Zoning Overlay~~ following Downtown Code Subdistricts: Core Historic, Core, Upper Broadway, 2nd and Broadway, SoBro, except that such lighting shall be subject to the provisions of subsections D3, D4, and D5 of this section.
5. Lighting located at a Municipal Stadium, except that such lighting shall be subject to the provisions of subsections D3 and D5 of this section. However, the provisions of D5 shall not be applicable during an event, game, performance or other organized function at the municipal stadium.
6. Lighting on property owned by the Metropolitan Nashville Airport Authority and lighting otherwise required by the Federal Aviation Administration.

V. By amending Section 2, by deleting proposed Metropolitan Code of Laws Section 17.28.100, subsections D.2 and D.4 and renumbering the remaining subsections accordingly.

VI. By amending Section 2, by amending proposed Metropolitan Code of Laws Section 17.28.100, subsection E.1.c as follows:

c. As an alternative to compliance with the foregoing provisions of this section, an applicant may choose to comply with The International Dark Sky Association (IDA) model legislation of June 2011 (located at https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF.) except no special permit referenced in section VI.B of the model legislation shall be required. For special uses outlined in section VI.B of the model legislation that cannot comply with the technical requirements, a letter

from an engineer licensed with the state of Tennessee shall be submitted to the Department of Codes Administration confirming that the project has sustained reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Lighting Zones in the model legislation shall correlate to the Transect Category for the site as designated in the Community Plans of NashvilleNext as follows:

T1 Natural	LZ-0
T2 Rural	LZ-1
T3 Suburban	LZ-2
T4 Urban	LZ-2
T5 Center	LZ-2
T6 Downtown T5 Center D District	LZ-3
D-District T6 Downtown	LZ-4

VII. By amending Section 2, by amending proposed Metropolitan Code of Laws Section 17.28.100, subsection E.2, as follows:

2. Correlated Color Temperature (CCT): All lighting sources, except for public playing fields and lighting on public property necessary for the proper functioning of security cameras, must have a correlated color temperature (CCT) at or below three thousand degrees Kelvin (3000 K).

VIII. By amending Section 2, by amending proposed Metropolitan Code of Laws Section 17.28.100, subsection E.3, as follows:

3. Permitted Hours of Outdoor Lighting:

a. Commercial: No more than fifty percent (50%) of exterior lighting shall be permitted to be illuminated, or lighting shall be dimmed ~~to 50%~~ by 30% illuminance except for one hour before start of business, during regular business hours as determined by said business, and one hour following close of business unless exempt for safety or security concerns. Motion detectors may be used to restore lighting to 100% for safety. All outdoor lighting shall be turned off during daylight hours.

b. Property Used for Governmental and Public Purposes: Any zoning lot in any zoning district used for governmental or public purposes, except for street lighting, shall comply with the permitted hours and security lighting limitations for commercial lighting zones. Outdoor lighting of the playing field of an organized sporting event on public property may remain illuminated until ~~thirty (30) minutes~~ one hour (1) hour after the conclusion of an event.

SPONSORED BY:

Burkley Allen
Member of Council

SUBSTITUTE ORDINANCE NO. BL2020-578

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 the preliminary plan for properties located at 1 City Avenue, 4, 5, 6, and 8 City Boulevard, 7 and 9 City Place, and City Boulevard (unnumbered), at the southwest corner of City Boulevard and 28th Avenue North, zoned SP (18.93 acres), to increase the maximum allowed residential units from 600 to ~~850~~ 700 multi-family residential units, all of which is described herein (Proposal No. 2011SP-009-008).

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 the preliminary plan for properties located at 1 City Avenue, 4, 5, 6, and 8 City Boulevard, 7 and 9 City Place, and City Boulevard (unnumbered), at the southwest corner of City Boulevard and 28th Avenue North, zoned SP (18.93 acres), to increase the maximum allowed residential units from 600 to 850 multi-family residential units, being Property Parcel Nos. 001, 002, 003, 004, 008, 010, 011, 901 as designated on Map 092-14-B of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 092 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 all uses listed in the Council approved SP plan. Multi-family residential is limited to a maximum of ~~850~~ 700 units

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

1. All applicable requirements specified in BL2011-891 and 2014-887 not specifically being amended under this application shall remain in effect.
2. 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.
3. 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.
4. Comply with all conditions and requirements of Stormwater, Water Services, and Public Works.

5. The existing roads and sidewalks shown on the plat of record as Instrument No. 20151210-0124463 (the "Plat") will not be modified in a manner that adversely affects surrounding properties within the specific plan. Any change in the size or location of the private drive shown as "City Place" on the Plat and the private drive shown as "Road B - City Place" on Sheet 3 of this Amended Preliminary SP shall require Council approval as an amendment to the SP.
6. The developer and contractors shall utilize a private off-site parking area with a shuttle service for construction workers during the entire construction process; public on-street parking shall not be counted for this off-site parking area.

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 MUI-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

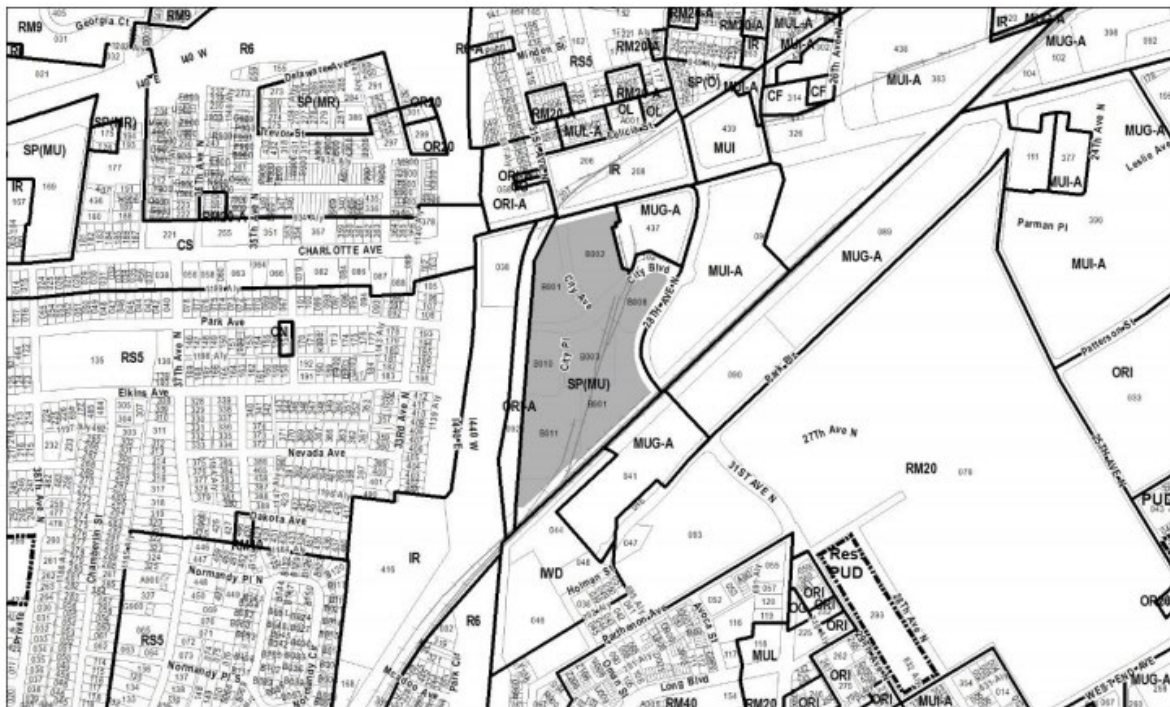
Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Brandon Taylor
Member of Council

2011SP-009-008
ONEC1TY
Map 092-14-0-B, Parcel(s) 001-004, 008, 010, 011, 901
Subarea 10, Green Hills - Midtown
District 21 (Taylor)
Application fee paid by: One City Ryan Doyle

A request to amend the preliminary plan for properties located at 1 City Avenue, 4, 5, 6, and 8 City Boulevard, 7 and 9 City Place, and City Boulevard (unnumbered), at the southwest corner of City Boulevard and 28th Avenue North, zoned SP (18.93 acres), to increase the maximum allowed residential units from 600 to ~~850~~ 700 multi-family residential units, requested by Civil Site Design Group, applicant; Cambridge Nashville Medical Center LP, Nashcam LP, NF IV-VA Nashville LLC, Shay/LB-WC-LC LLC, owners.



SUBSTITUTE ORDINANCE NO. BL2021-637

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 IR to MUN-A-NS zoning for properties located at ~~754 Douglas Avenue~~ and 830 W McKennie Avenue, approximately 260 feet west of McFerrin Avenue (~~0.27~~ 0.14 acres), all of which is described herein (Proposal No. 2021Z-002PR-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 IR to MUN-A-NS zoning for properties located at ~~754 Douglas Avenue~~ and 830 W McKennie Avenue, approximately 260 feet west of McFerrin Avenue (~~0.27~~ 0.14 acres), being Property Parcel Nos. ~~302~~, 312 as designated on Map 071-16 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 071 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

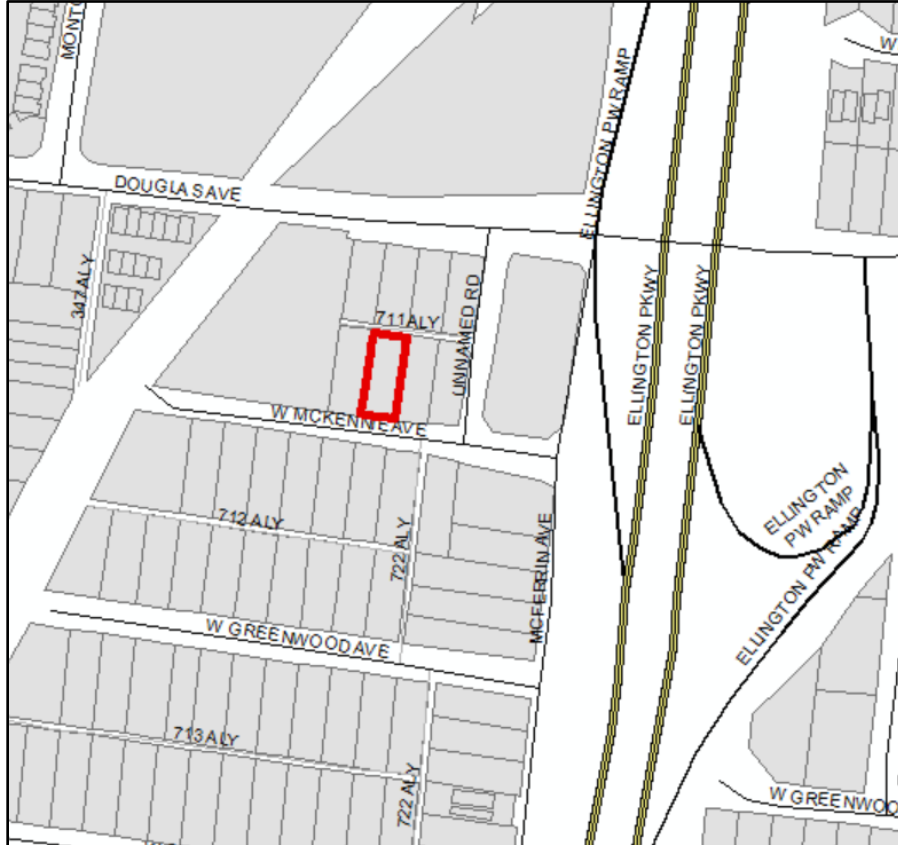
Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Sean Parker
Member of Council

2021Z-002PR-001
Map 071-16, Parcel(s) 302, 312
Subarea 05, East Nashville
District 05 (Sean Parker)
Application fee paid by: Molly Simmons

A request to rezone from IR to MUN-A-NS zoning for properties located at 754 Douglas Avenue and 830 W McKennie Avenue, approximately 260 feet west of McFerrin Avenue (0.27 0.14 acres), requested by Douglas Village, LLC, applicant and owner.



SUBSTITUTE ORDINANCE NO. BL2021-640

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from RS5 to ~~RM15-A-NS~~ SP zoning for property located at 1305 Lischey Avenue, approximately 300 feet north of Douglas Avenue (0.18 acres), all of which is described herein (Proposal No. 2021Z-011PR-001).

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from RS5 to ~~RM15-A-NS~~ SP zoning for property located at 1305 Lischey Avenue, approximately 300 feet north of Douglas Avenue (0.18 acres), being Property Parcel No. 258 as designated on Map 071-15 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 uses of this SP shall be limited to single family and two family uses. No more than two dwelling units shall be permitted.

Section 3. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. 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.
2. If developed as a two family use, then the dwelling units shall be attached and share the same roofline.
3. Vehicular access to the development shall only be from the rear alleyway (301 ALY) unless Codes and/or Public Works determines the Alleyway to be incapable of adequately serving the development. If the alleyway is determined to be insufficient, then a single 12' wide curb cut shall be allowed on Lischey Ave to serve both dwelling units.
4. The maximum height of the development shall be restricted to 28' as measured to the roof ridge line.

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

Section 5. 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 increases the permitted density or floor area, adds uses not otherwise permitted, eliminates specific conditions or requirements contained in the plan

as adopted through this enacting ordinance, or adds vehicular access points not currently present or approved.

Section 6. 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 RM15-A-NS zoning districts as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 2 7. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 071 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3 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:

Sean Parker
Member of Council

2021Z-011PR-001
Map 071-15, Parcel(s) 258
Subarea 05, East Nashville
District 05 (Parker)
Application fee paid by: Reginal McKeever

A request to rezone from RS5 to ~~RM15-A-NS~~ SP zoning for property located at 1305 Lischey Avenue, approximately 300 feet north of Douglas Avenue (0.18 acres), requested by Reginal McKeever, applicant; Top R and A Development, LLC, owner.



AMENDMENT NO. ____
TO
ORDINANCE NO. BL2021-657

Mr. President –

I hereby move to amend Ordinance No. BL2021-657, proposed Metropolitan Code of Laws Section 2.64.060, as follows:

2.64.060 - Membership demographic reports

The Metropolitan Clerk shall submit a report to the Metropolitan Council and the Mayor's Office on or before October 1 of each year containing demographic information about every Metropolitan Government board and commission whose membership is elected or confirmed by the Metropolitan Council. Such report shall include the current demographic composition of the members of each board as compared to the demographic composition from the previous year. For purposes of this report, "demographic composition" means the percentage of racial minorities, ethnic minorities, gender identity, ~~and~~ self-identified LGBTQ status, and self-identified disability status as disclosed on the questionnaire submitted to the Metropolitan Clerk at the time of confirmation. These reports shall remain posted on the Metropolitan Clerk's website.

SPONSORED BY:

Tom Cash

Nancy VanReece
Members of Council