



Metropolitan Council

**PROPOSED AMENDMENTS PACKET
FOR THE COUNCIL MEETING OF
TUESDAY, JULY 16, 2024**

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SUBSTITUTE

AMENDMENT TO RULES OF PROCEDURE, RULE 13

Madam President:

I move to amend the 2023-2027 Metropolitan Council Rules of Procedure by amending Rule 13 as shown below:

13. Filing deadlines; emergency items

13.1 The following deadlines apply:

1. All ordinances and resolutions shall be filed in the Clerk's Office not later than noon on the Tuesday at least one week prior to a regular meeting of the Council and not later than 11:00 a.m. of the third day, excluding Saturdays and Sundays, preceding the day of any other Council meeting. Legislation filed directly with the Clerk's Office must be sponsored by a Councilmember and be delivered to the Council Office by the same deadline.
2. No ordinance or resolution may be filed by the Council Office unless the originals have first been delivered to the Council Office not later than noon on the second Friday preceding the regular meeting date or not later than noon the fourth day, excluding Saturdays and Sundays, preceding the day of any other Council meeting.
3. Legislation prepared by the Council Office must be requested in writing at least 48 hours prior to this delivery deadline.
4. Subject to Section 6.13 of the Metropolitan Charter, the Capital Improvements Budget shall be filed in the Clerk's Office on or before May 15 at 4:30 p.m. for consideration at the next regular Council meeting.

13.2 All amendments to, or substitutes for, an ordinance or a resolution, ~~or any requested late-filed legislation,~~ shall be delivered to the Council Office not later than noon on the Friday immediately preceding the regular meeting date. In the event of a special meeting, delivery shall occur not later than noon the second day -- excluding Saturdays and Sundays -- preceding the day of such Council meeting. Amendments or substitutes will be prepared in a manner that indicates deletions by striking through such content and insertions by underlining such content.

13.3 The Council Office shall provide an electronic template for both ordinances and resolutions which includes the necessary provisions such as the enacting clause and effective date and fill-in-the-blank fields for the caption, recitals, and sections.

~~13.43~~ The Council may not consider any ordinance, resolution, amendment, or substitute unless filed in accordance with the two preceding paragraphs, with the exception of legislation filed directly with the Clerk by a Councilmember and delivered to the Council Office per Section 13.1.1.

~~13.54~~ No ordinance, ~~binding~~ resolution, amendment, or substitute submitted after these prescribed deadlines ("late-filed legislation") will be considered by the Council except on an

emergency basis. Such late-filed legislation shall not be filed later than 3 p.m. on the day of the Council meeting. ~~Nonbinding resolutions submitted after the prescribed deadlines are not eligible to be considered on an emergency basis.~~ It is not the responsibility of the Council Office to prepare late-filed legislation.

13.65 Any sponsor of such late-filed legislation must send a letter to the Rules Committee no later than 3 p.m. on the day of the Council meeting explaining in detail the nature of the reason for the late-filed legislation and must appear before the Rules Committee immediately prior to the regular meeting to disclose (1) the nature of the emergency; (2) whether the legislation could have been timely filed; and (3) whether the matter can wait until the next Council meeting. Late-filed legislation filed before 3 p.m. on the day of the Council meeting ~~ordinances and late resolutions~~ will be referred to other appropriate committees per Rule 7.

~~13.6 Late filed legislation introduced during a Council meeting is not subject to Section 13.5 however the rules must be suspended, per Rule 7, for the late-filed legislation to be considered.~~

13.76 Upon consideration of the late-filed legislation, ~~At the subsequent regular meeting,~~ the sponsor must state on the introduction thereof that an emergency exists, must state the nature of the emergency, and must request a suspension of the rules. The Council recommends that memorializing late-filed legislation be filed for the subsequent Council meeting.

INTRODUCED BY:

Emily Benedict
Member of Council

SUBSTITUTE

AMENDMENT TO RULES OF PROCEDURE, RULE 13

Madam President:

I move to amend the 2023-2027 Metropolitan Council Rules of Procedure by amending Rule 13.4 as shown below:

~~13. Filing deadlines; emergency items~~

~~13.1 The following deadlines apply:~~

~~1. All ordinances and resolutions shall be filed in the Clerk's Office not later than noon on the Tuesday at least one week prior to a regular meeting of the Council and not later than 11:00 a.m. of the third day, excluding Saturdays and Sundays, preceding the day of any other Council meeting.~~

~~2. No ordinance or resolution may be filed by the Council Office unless the originals have first been delivered to the Council Office not later than noon on the second Friday preceding the regular meeting date or not later than noon the fourth day, excluding Saturdays and Sundays, preceding the day of any other Council meeting.~~

~~3. Legislation prepared by the Council Office must be requested in writing at least 48 hours prior to this delivery deadline.~~

~~4. Subject to Section 6.13 of the Metropolitan Charter, the Capital Improvements Budget shall be filed in the Clerk's Office on or before May 15 at 4:30 p.m. for consideration at the next regular Council meeting.~~

~~13.2 All amendments to, or substitutes for, an ordinance or a resolution, or any requested late-filed legislation, shall be delivered to the Council Office not later than noon on the Friday immediately preceding the regular meeting date. In the event of a special meeting, delivery shall occur not later than noon the second day, excluding Saturdays and Sundays, preceding the day of such Council meeting. Amendments or substitutes will be prepared in a manner that indicates deletions by striking through such content and insertions by underlining such content.~~

~~13.3 The Council may not consider any ordinance, resolution, amendment, or substitute unless filed in accordance with the two preceding paragraphs, with the exception of legislation filed directly with the Clerk by a Councilmember.~~

13.4 No ordinance, ~~binding~~ resolution, amendment, or substitute submitted after these prescribed deadlines (~~"late-filed legislation"~~) will be considered by the Council except on an emergency basis. Nonbinding resolutions submitted after the prescribed deadlines are not eligible to be considered on an emergency basis. It is not the responsibility of the Council Office to prepare late-filed legislation.

~~13.5 Any sponsor of such late filed legislation must appear before the Rules Committee immediately prior to the regular meeting to disclose (1) the nature of the emergency; (2) whether the legislation could have been timely filed; and (3) whether the matter can wait until the next Council meeting. Late filed legislation ordinances and late resolutions will be referred to other appropriate committees per Rule 7.~~

~~13.6 Late filed legislation introduced during a Council meeting is not subject to Section 13.5 however the rules must be suspended, per Rule 7, for the late filed legislation to be considered.~~

~~13.76 Upon consideration of the late filed legislation, At the subsequent regular meeting, the sponsor must state on the introduction thereof that an emergency exists, must state the nature of the emergency, and must request a suspension of the rules. The Council recommends that memorializing late filed legislation be filed for the subsequent Council meeting.~~

INTRODUCED BY:

Kyonzte Toombs
Member of Council

AMENDMENT NO. ____
TO
RESOLUTION NO. RS2024-594

Madam President –

I move to amend Resolution No. RS2024-594, Section 1, as follows:

Section 1. That this Second Amendment to the grant contract for constructing affordable housing, previously approved as Exhibit M to RS2022-1443 and amended by RS2024-334, between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Housing Trust Fund Commission and Urban Housing Solutions, Inc., a copy of which is attached hereto and incorporated herein, is hereby approved, and the Metropolitan Mayor is hereby authorized to execute the same.

SPONSORED BY:

Delishia Porterfield
Member of Council

AMENDMENT NO. 1
TO
ORDINANCE NO. BL2024-343

Madam President –

I hereby move to amend Ordinance No. 2024-343 by amending Section 1 as follows:

Section 1. That Section 2.112.020 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

2.112.020 - Membership and term of office.

The commission shall be composed of sixteen members. Fifteen members are to be appointed by the mayor and to serve without compensation. All members of the commission appointed by the mayor shall be confirmed by the metropolitan county council. One member shall be a member of council ~~who serves on the arts, parks, libraries, and entertainment committee of the council, or a successor committee to which arts-related legislation is referred, selected by that committee~~ elected by a majority vote of the whole membership of the council who shall serve in a nonvoting capacity. ~~The tenure of the members appointed by the mayor shall be as follows: the successors of the two members whose terms are set to expire January 1, 1993 shall serve a four-year term to expire on January 1, 1997; the successors of those members whose terms are set to expire on January 1, 1994 and who joined the commission in August, 1992 shall serve a three-year term to expire on January 1, 1997; the successors of those members whose terms are set to expire on January 1, 1994 and who joined the commission in November, 1990; March, 1989; April 1989; and September, 1992 shall serve a term of four years to expire January 1, 1998; the successors of those members whose terms are set to expire January 1, 1995 and who joined the commission in August, 1992 shall serve a term of four years to expire January 1, 1999; the successors of those members whose terms are set to expire January 1, 1995 and who joined the commission in February, 1991 and March 1992 shall serve a term of five years to expire January 1, 2000; and the successor of that member whose term is set to expire January 1, 1996 shall serve a term of four years to expire January 1, 2000. Each commission member shall thereafter serve a period of four years from their appointment dates of January 1, 1997; January 1, 1998; January 1, 1999 and January 1, 2000.~~ The members appointed by the mayor shall serve staggered terms of four years. The term of the member of council shall be two years. In no event shall the term of the council member extend beyond the council term in which they were elected. All vacancies of any commission member shall be filled for the balance of the unexpired term in the same manner as original appointments.

SPONSORED BY:

Burkley Allen
Member of Council

AMENDMENT NO. 2
TO
ORDINANCE NO. BL2024-343

Madam President –

I hereby move to amend Ordinance No. 2024-343 by amending Section 2 as follows:

Section 2. That Section 2.112.040 of the Metropolitan Code of Laws is further amended by deleting Subsection H in its entirety and replacing it with the following:

H. Award funds appropriated to it by the metropolitan council to deserving nonprofit civic and nonprofit charitable organizations. Criteria for the awarding of such funds shall be established by the Metropolitan Nashville Arts Commission and approved by ~~ordinance~~ resolution of the metropolitan council each year before funds are awarded. ~~The criteria for the awarding of funds must be presented to the arts, parks, libraries, and entertainment committee, or a successor committee to which arts related legislation is referred, of the metropolitan council prior to the filing of the ordinance.~~

1. A "nonprofit charitable organization" is defined as one in which no part of the net earnings benefit any private shareholder or individual and which provides year-round services benefiting the general welfare of the residents of the municipality.

2. A "nonprofit civic organization" is defined as a civic organization exempt from taxation pursuant to Section 501(c) of the IRS Code. A nonprofit civic organization must operate primarily for the purpose of bringing about civic betterment and social improvements through efforts to maintain and increase employment opportunities in the municipality.

3. For purposes of this code section, both nonprofit charitable organizations and nonprofit civic organizations shall be involved in the study, participation in and appreciation of the visual, performing and literary arts for the Metropolitan Nashville and Davidson County area.

SPONSORED BY:

Burkley Allen
Member of Council

AMENDMENT NO. 3
TO
ORDINANCE NO. BL2024-343

Madam President –

I hereby move to amend Ordinance No. BL2024-343 by amending Section 1 as follows:

Section 1. That Section 2.112.020 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

2.112.020 - Membership and term of office.

The commission shall be composed of sixteen members. Fifteen members are to be appointed by the mayor and to serve without compensation. All members of the commission appointed by the mayor shall be confirmed by the metropolitan county council. One member shall be a member of council ~~who serves on the arts, parks, libraries, and entertainment committee of the council, or a successor committee to which arts-related legislation is referred, selected by that committee~~ elected from its membership by a majority vote of the whole membership of the council. The tenure of the members appointed by the mayor shall be as follows: the successors of the two members whose terms are set to expire January 1, 1993 shall serve a four-year term to expire on January 1, 1997; the successors of those members whose terms are set to expire on January 1, 1994 and who joined the commission in August, 1992 shall serve a three-year term to expire on January 1, 1997; the successors of those members whose terms are set to expire on January 1, 1994 and who joined the commission in November, 1990; March, 1989; April 1989; and September, 1992 shall serve a term of four years to expire January 1, 1998; the successors of those members whose terms are set to expire January 1, 1995 and who joined the commission in August, 1992 shall serve a term of four years to expire January 1, 1999; the successors of those members whose terms are set to expire January 1, 1995 and who joined the commission in February, 1991 and March 1992 shall serve a term of five years to expire January 1, 2000; and the successor of that member whose term is set to expire January 1, 1996 shall serve a term of four years to expire January 1, 2000. Each commission member shall thereafter serve a period of four years from their appointment dates of January 1, 1997; January 1, 1998; January 1, 1999 and January 1, 2000. The term of the member of council shall be two years. In no event shall the term of the council member extend beyond the council term in which they were elected. All vacancies of any commission member shall be filled for the balance of the unexpired term in the same manner as original appointments.

SPONSORED BY:

Kyonzté Toombs
Member of Council

AMENDMENT NO. 4
TO
ORDINANCE NO. BL2024-343

Madam President –

I hereby move to amend Ordinance No. 2024-343 as follows:

I. By amending Section 1 as follows:

Section 1. That Section 2.112.020 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

2.112.020 - Membership and term of office.

The commission shall be composed of ~~sixteen~~ fifteen members. ~~Fifteen members are to be appointed by the mayor and to serve without compensation. All members of the commission appointed by the mayor shall be confirmed by the metropolitan county council. One member shall be a member of council who serves on the arts, parks, libraries, and entertainment committee of the council, or a successor committee to which arts-related legislation is referred, selected by that committee. The tenure of the members appointed by the mayor shall be as follows: the successors of the two members whose terms are set to expire January 1, 1993 shall serve a four year term to expire on January 1, 1997; the successors of those members whose terms are set to expire on January 1, 1994 and who joined the commission in August, 1992 shall serve a three year term to expire on January 1, 1997; the successors of those members whose terms are set to expire on January 1, 1994 and who joined the commission in November, 1990; March, 1989; April 1989; and September, 1992 shall serve a term of four years to expire January 1, 1998; the successors of those members whose terms are set to expire January 1, 1995 and who joined the commission in August, 1992 shall serve a term of four years to expire January 1, 1999; the successors of those members whose terms are set to expire January 1, 1995 and who joined the commission in February, 1991 and March 1992 shall serve a term of five years to expire January 1, 2000; and the successor of that member whose term is set to expire January 1, 1996 shall serve a term of four years to expire January 1, 2000. Each commission member shall thereafter serve a period of four years from their appointment dates of January 1, 1997; January 1, 1998; January 1, 1999 and January 1, 2000. The members shall serve staggered terms of four years. The term of the member of council shall be two years. In no event shall the term of the council member extend beyond the council term in which they were elected. All vacancies of any commission member shall be filled for the balance of the unexpired term in the same manner as original appointments.~~

II. By amending Section 2 as follows:

That Section 2.112.040 of the Metropolitan Code of Laws is further amended by deleting Subsection H in its entirety and replacing it with the following:

H. Award funds appropriated to it by the metropolitan council to deserving nonprofit civic and nonprofit charitable organizations. Criteria for the awarding of such funds shall be established by the Metropolitan Nashville Arts Commission and approved by ~~ordinance~~ resolution of the metropolitan council each year before funds are awarded. ~~The criteria for the awarding of funds must be presented to the arts, parks, libraries, and entertainment committee, or a successor committee to which arts-related legislation is referred, of the metropolitan council prior to the filing of the ordinance.~~

1. A "nonprofit charitable organization" is defined as one in which no part of the net earnings benefit any private shareholder or individual and which provides year-round services benefiting the general welfare of the residents of the municipality.

2. A "nonprofit civic organization" is defined as a civic organization exempt from taxation pursuant to Section 501(c) of the IRS Code. A nonprofit civic organization must operate primarily for the purpose of bringing about civic betterment and social improvements through efforts to maintain and increase employment opportunities in the municipality.

3. For purposes of this code section, both nonprofit charitable organizations and nonprofit civic organizations shall be involved in the study, participation in and appreciation of the visual, performing and literary arts for the Metropolitan Nashville and Davidson County area.

SPONSORED BY:

Delishia Porterfield
Member of Council

AMENDMENT NO. 1
TO
ORDINANCE NO. BL2024-344

Madam President –

I hereby move to amend Ordinance No. 2024-344 as follows:

I. By amending Section 1 as follows:

Section 1. That Section 2.147.030 of the Metropolitan Code of Laws is hereby amended by deleting subsection B in its entirety and replacing it with the following:

B. The commission shall be composed of ~~fifteen~~ sixteen members. Four members shall be appointed by the mayor and confirmed by the council. Three members shall be selected by the council from nominations submitted by council members. Four members shall be selected by the council from nominations submitted from the entertainment industry at large. One member shall be selected by the International Alliance of Theatrical Stage Employees (IATSE) from its membership and confirmed by the council. One member shall be selected by the Screen Actors Guild - American Federation of Television and Radio Artists (SAG-AFTRA) from its membership and confirmed by the council. One member shall be selected by the American Federation of Musicians (AFM) from its membership and confirmed by the council. One member shall be selected by the Nashville Songwriters Association International (NSAI) from its membership and confirmed by the council. One member shall be a council member who serves on the arts, parks, libraries, and entertainment committee, or a successor committee to which entertainment-related legislation is referred, selected by that committee. The council member shall serve a term not to exceed two years. In no event shall the term of the council member extend beyond the council term in which they were elected. The executive director of the Metropolitan Arts Commission, the director of visual and performing arts for Metropolitan Nashville Public Schools, a representative of the Nashville Education, Community, and Arts Television Corporation, and a representative of the Nashville Convention and Visitors Corporation shall serve as ex officio members.

II. By amending Section 2 as follows:

Section 2. That Section 2.147.030 of the Metropolitan Code of Laws is hereby amended by deleting subsection D in its entirety and replacing it with the following:

D. Except for the council member, who shall serve a two-year term as described in Subsection B, commission members shall serve staggered four-year terms. Of the initial members appointed, the members selected by the council from nominations submitted by the council shall be appointed for one year, the members appointed by the mayor and NSAI shall be appointed for two years, the members appointed by AFM, SAG-AFTRA, and IATSE shall be appointed for three years, and the members selected by the council from nominations submitted by the entertainment industry at large shall be appointed for four years.

SPONSORED BY:

Joy Styles
Member of Council

AMENDMENT NO. 2
TO
ORDINANCE NO. BL2024-344

Madam President –

I hereby move to amend Ordinance No. BL2024-344 by amending Section 1 as follows:

Section 1. That Section 2.147.030 of the Metropolitan Code of Laws is hereby amended by deleting subsection B in its entirety and replacing it with the following:

B. The commission shall be composed of fifteen members. Four members shall be appointed by the mayor and confirmed by the council. Three members shall be selected by the council from nominations submitted by council members. Four members shall be selected by the council from nominations submitted from the entertainment industry at large. One member shall be selected by the International Alliance of Theatrical Stage Employees (IATSE) from its membership and confirmed by the council. One member shall be selected by the Screen Actors Guild - American Federation of Television and Radio Artists (SAG-AFTRA) from its membership and confirmed by the council. One member shall be selected by the American Federation of Musicians (AFM) from its membership and confirmed by the council. One member shall be a council member ~~who serves on the arts, parks, libraries, and entertainment committee, or a successor committee to which entertainment-related legislation is referred, selected by that committee~~ elected by the council from its membership by a majority vote of the whole membership of the council. The council member shall serve a term not to exceed two years. In no event shall the term of the council member extend beyond the council term in which they were elected. The executive director of the Metropolitan Arts Commission, the director of visual and performing arts for Metropolitan Nashville Public Schools, a representative of the Nashville Education, Community, and Arts Television Corporation, and a representative of the Nashville Convention and Visitors Corporation shall serve as ex officio members. Section 1. That Section 2.112.020 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

SPONSORED BY:

Kyonzté Toombs
Member of Council

AMENDMENT NO. 3
TO
ORDINANCE NO. BL2024-344

Madam President –

I hereby move to amend Ordinance No. 2024-344 as follows:

I. By amending Section 1 as follows:

Section 1. That Section 2.147.030 of the Metropolitan Code of Laws is hereby amended by deleting subsection B in its entirety and replacing it with the following:

B. The commission shall be composed of fifteen members. Four members shall be appointed by the mayor and confirmed by the council. Three members shall be selected by the council from nominations submitted by council members. Four members shall be selected by the council from nominations submitted from the entertainment industry at large. One member shall be selected by the International Alliance of Theatrical Stage Employees (IATSE) from its membership and confirmed by the council. One member shall be selected by the Screen Actors Guild - American Federation of Television and Radio Artists (SAG-AFTRA) from its membership and confirmed by the council. One member shall be selected by the American Federation of Musicians (AFM) from its membership and confirmed by the council. One member shall be selected by the Nashville Songwriters Association International (NSAI) from its membership and confirmed by the council. ~~One member shall be a council member who serves on the arts, parks, libraries, and entertainment committee, or a successor committee to which entertainment-related legislation is referred, selected by that committee. The council member shall serve a term not to exceed two years. In no event shall the term of the council member extend beyond the council term in which they were elected.~~ The executive director of the Metropolitan Arts Commission, the director of visual and performing arts for Metropolitan Nashville Public Schools, a representative of the Nashville Education, Community, and Arts Television Corporation, and a representative of the Nashville Convention and Visitors Corporation shall serve as ex officio members.

II. By amending Section 2 as follows:

Section 2. That Section 2.147.030 of the Metropolitan Code of Laws is hereby amended by deleting subsection D in its entirety and replacing it with the following:

D. ~~Except for the council member, who shall serve a two-year term as described in Subsection B,~~ Commission members shall serve staggered four-year terms. Of the initial members appointed, the members selected by the council from nominations submitted by the council shall be appointed for one year, the members appointed by the mayor and NSAI shall be appointed for two years, the members appointed by AFM, SAG-AFTRA, and IATSE shall be appointed for three years, and the members selected by the council from nominations submitted by the entertainment industry at large shall be appointed for four years.

SPONSORED BY:

Mike Cortese
Member of Council

AMENDMENT NO. 1
TO
ORDINANCE NO. BL2024-426

Madam President –

I move to amend Ordinance No. BL2024-426, as follows:

- I. By amending section C.3.b as follows:
 - b. Fill, not authorized by law, from off-site activity has been brought to and stored on the site; ~~or~~ and
- II. By adding a new subsection to section C:
6. No part of this subsection shall be construed as permitting landfills as defined and regulated by federal or state law.

SPONSORED BY:

Joy Kimbrough
Member of Council

AMENDMENT NO. 2
TO
ORDINANCE NO. BL2024-426

Madam President –

I hereby move to amend Ordinance No. BL2024-426 by deleting Section C.3 and replacing it with the following:

3. Procedure. Within 30 days from the initiation of a review, department director or designee shall inspect site and determine whether grading activity, including excavation, clearance, or other alteration of the landscape, on the site is in compliance with the requirements of the applicable grading and drainage plan ~~and this subsection. Grading activity is not in compliance with this subsection if the following factors are established:~~
 - a. ~~_____The grading and drainage plan has been approved and active for more than 60 days; and~~
 - b. ~~_____Fill, not authorized by law, from off-site activity has been brought to and stored on the site; or~~
 - c. ~~_____No building permit or use and occupancy permit has been issued by the department of codes administration for the site.~~

SPONSORED BY:

Burkley Allen
Member of Council

AMENDMENT NO. 1
TO
SUBSTITUTE ORDINANCE NO. BL2024-187

Madam President,

I move to amend Substitute Ordinance No. BL2024-187, as follows:

- I. By deleting 17.16.030.F.1 Applicability and replacing it with the following:
 1. Applicability. The provisions of this section shall apply to any residential use permitted with conditions in a non-residential zoning district except when located within a Planned Unit Development Overlay district. If located within a Planned Unit Development Overlay district, residential uses are only permitted where the Council adopted preliminary master plan included residential uses as a permitted use.

SPONSORED BY:

Rollin Horton
Member of Council

AMENDMENT NO. 2
TO
SUBSTITUTE ORDINANCE NO. BL2024-187

Madam President:

I hereby move to amend Substitute Ordinance No. BL2024-187 as follows:

- I. By amending Section 1, Proposed Metropolitan Code of Laws Section 17.16.030, Subsection F as follows:
 - F. Adaptive Residential Development. A residential use shall be permitted provided a minimum of ~~forty~~ twenty-five percent of the existing or proposed building's gross floor area is devoted to residential uses, subject to the following conditions:

- II. By amending Section 1, Proposed Metropolitan Code of Laws Section 17.16.030, Subsection F.2.a as follows:
 - a. All Residential Uses. The standards of this section shall apply only to a building or portion thereof converted to residential use, any addition to an existing building for residential use, and any new construction building, where a minimum of ~~forty~~ twenty-five percent of the building's gross floor area is devoted to residential use, as explicitly shown on the approved final site plan under the authority of Section 17.40.170(A) of this title. The standards of this section shall not apply to any building proposing to devote less than ~~forty~~ twenty-five percent of the gross floor area to residential uses.

INTRODUCED BY:

Rollin Horton
Member of Council

AMENDMENT NO. 3
TO
SUBSTITUTE ORDINANCE NO. BL2024-187

Madam President:

I hereby move to amend Substitute Ordinance No. BL2024-187 as follows:

- I. By amending Section 1, Proposed Metropolitan Code of Laws Section 17.16.030, Subsection F, by inserting the following as Subsection 5 and renumbering the existing Subsection 5 and subsequent subsections accordingly:

5. Height. Structures containing the adaptive residential development use that are located outside of the Urban Services District shall have a maximum height of 4 stories in 60 feet.

- II. By amending Section 1, Proposed Metropolitan Code of Laws Section 17.16.030, Subsection F, by inserting the following as Subsection 9 and renumbering the existing Subsection 9 and subsequent subsections:

9. Commercial Use. Lots that are located outside of the Urban Services District that are to be developed with an adaptive residential development use containing more than 50 dwelling units shall have a minimum of 10% of the area of the lot or 10% of the constructed floor area on the lot reserved for day care center, general office, grocery store, restaurant, or retail uses. An assemblage of lots incorporated in a single site plan shall be considered a single lot for the purposes of this subsection.

INTRODUCED BY:

Jennifer Gamble
Member of Council

AMENDMENT NO. 4
TO
SUBSTITUTE ORDINANCE NO. BL2024-187

Madam President:

I hereby move to amend Substitute Ordinance No. BL2024-187 as follows:

- I. By amending Section 1, Proposed Metropolitan Code of Laws Section 17.16.030, Subsection F.10 as follows:
 10. Alternative Design Standards. Where a proposed residential development cannot comply with the standards of this section, the applicant shall be required to submit for review by the board of zoning appeals a special exception, in accordance with Sections 17.16.140 and 17.16.150 of this title. The minimum filing fee shall be equal to a commercial application as per the adopted board of zoning appeals fee schedule. In granting such approval of a special exception application, the board shall determine that the applicant has demonstrated that the relief being requested will not be injurious to surrounding properties, nor violates the adopted general plan. Any special exception approved by the board shall fully comply with the standards of Subsection 12 of this section. The board shall not act on any application without first considering a recommendation from the planning department.

- II. By amending Section 1, Proposed Metropolitan Code of Laws Section 17.16.030, Subsection F, by adding the following as subsection 12:
 12. Short Term Rental Property. Lots developed with an adaptive residential use that have a majority of their street frontage on local street as shown on the adopted Major and Collector Street Plan or are located outside of the Urban Services District shall not be eligible for short term rental property – owner occupied or short term rental property – not owner occupied permits. Properties that have an active short term rental property permit in good standing prior to August 1, 2024, shall be exempt from this prohibition.

INTRODUCED BY:

Sean Parker
Member of Council

AMENDMENT NO. 5
TO
SUBSTITUTE ORDINANCE NO. BL2024-187

Madam President:

I hereby move to amend Substitute Ordinance No. BL2024-187 as follows:

- I. By amending Section 1, Proposed Metropolitan Code of Laws Section 17.16.030, Subsection F.10 as follows:
 10. Alternative Design Standards. Where a proposed residential development cannot comply with the standards of this section, the applicant shall be required to submit for review by the board of zoning appeals a special exception, in accordance with Sections 17.16.140 and 17.16.150 of this title. The minimum filing fee shall be equal to a commercial application as per the adopted board of zoning appeals fee schedule. In granting such approval of a special exception application, the board shall determine that the applicant has demonstrated that the relief being requested will not be injurious to surrounding properties, nor violates the adopted general plan. Any special exception approved by the board shall fully comply with the standards of Subsection 14 of this section. The board shall not act on any application without first considering a recommendation from the planning department.

- II. By amending Section 1, Proposed Metropolitan Code of Laws Section 17.16.030, Subsection F, by adding the following as subsection 14:
 14. Short Term Rental Property. Lots developed with an adaptive residential use that have a majority of their street frontage on local street as shown on the adopted Major and Collector Street Plan or are located outside of the Urban Services District shall not be eligible for short term rental property – owner occupied or short term rental property – not owner occupied permits. Properties that have an active short term rental property permit in good standing prior to August 1, 2024, shall be exempt from this prohibition.

INTRODUCED BY:

Sean Parker
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2024-271

Madam President –

I hereby move to amend Ordinance No. BL2024-271 as follows by amending Section 4 to add the following conditions:

12. The developer shall work with NDOT to identify and construct road improvements necessary and feasible to improve pedestrian safety along Homestead Road at the developer's expense.
13. There shall be no more than 14 units utilized for the Not Owner Occupied Short Term Rental use within the development. There shall be no more than 14 Not Owner Occupied Short Term Rental permits granted within the development at any one time.

INTRODUCED BY:

Kyonzté Toombs
Member of Council

SUBSTITUTE ORDINANCE NO. BL2024-317

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from RS10 to SP zoning for properties located at 2840 and 2842 Buena Vista Pike, approximately 58 feet east of Mike Shields Court, (3.53 acres) to permit ~~46~~ 40 multi-family residential units, all of which is described herein (Proposal No. 2024SP-006-001).

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

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

By changing from RS10 to SP zoning for properties located at 2840 and 2842 Buena Vista Pike, approximately 58 feet east of Mike Shields Court, (3.53 acres) to permit ~~46~~ 40 multi-family residential units, being Property Parcel Nos. 034, 035, 049 as designated on Map 070-02 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 070 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 a maximum of ~~46~~ 40 multi-family residential units. Short Term Rental Property (STRP) owner occupied and not owner-occupied shall be prohibited.

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

1. With the final site plan submittal applicant shall submit a proposed phasing plan to show how access will be provided to the existing residence at Map: 070-02 Parcel: 33 throughout the construction period.
2. Setbacks shown on page three of the plan set are considered a part of the survey document but are not to be used in place of the setbacks shown on the cover sheet.
3. On the corrected copy, update maximum height to "3 stories within 45 feet." Maximum height shall apply to all units across the site.
4. Height shall be measured from average elevation (average of four most exterior corners) at the finished grade (final ground elevation) to the midpoint of the primary roof pitch or to the top of the parapet.
5. No master permit/HPR shall be recorded prior to final SP approval.
6. Final plat may be required prior to permitting.
7. Comply with all conditions and requirements of Metro reviewing agencies.

8. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
9. 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.
10. 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.
11. The developer shall construct a sidewalk extending northeast along the east side of Buena Vista Pike from the north property line of the development to the intersection of Buena Vista Pike and Stokers Lane and a crosswalk crossing Stokers Lane on the eastern side of the intersection at a cost not to exceed \$54,000. If construction costs for the sidewalk and crosswalk exceed \$54,000, the developer may make a payment in lieu of construction of \$54,000 to NDOT to be used for pedestrian improvements in the general area of the development.

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 RM15 zoning district. Uses are limited as described in the Council ordinance.

Section 8. 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 9. 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:

Kyonzté Toombs
Member of Council

2024SP-006-001
BUENA VISTA PIKE
Map 070-02, Parcel(s) 034-035, 049
Subarea 03, Bordeaux – Whites Creek – Haynes Trinity
District 02 (Kyonzté Toombs)
Application fee paid by: Roberto Gutierrez

A request to rezone from RS10 to SP zoning for properties located at 2840 and 2842 Buena Vista Pike, approximately 58 feet east of Mike Shields Court, (3.53 acres) to permit 46 40 multi-family residential units, requested by SWS Engineering, applicant; Mickey Marston, Vickie Morris, Rickie & Barry Morris and R Squared Construction, LLC, owners



SUBSTITUTE ORDINANCE NO. BL2024-318

An ordinance to authorize building material restrictions and requirements for BL2024-317, a proposed Specific Plan Zoning District on properties located at 2840 and 2842 Buena Vista Pike, approximately 58 feet east of Mike Shields Court, (3.53 acres) to permit ~~46~~ 40 multi-family residential units, all of which is described herein (Proposal No. 2024SP-006-001). **THE PROPOSED ORDINANCE REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS.**

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

Section 1. That the following building material restrictions and requirements as a part of BL2024-317, a proposed Specific Plan Zoning District located at 2840 and 2842 Buena Vista Pike, approximately 58 feet east of Mike Shields Court, (3.53 acres), are hereby authorized:

- Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, and glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.

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

INTRODUCED BY:

Kyonzté Toombs
Member of Council