

Metropolitan Council

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

AMENDMENT NO	
TO	
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ORDINANCE NO. BL2020-504

Mr. President –

I hereby move to amend Ordinance No. BL2020-504 by amending Section 5, proposed Section 17.36.670, Subsection D, as follows:

D. Council Consideration. The Metropolitan Council shall consider an ordinance establishing an Owner Occupied Short Term Rental Overlay district according to the procedures of Article III of Chapter 17.40 (Amendments). All property owners within and proximate to a proposed Residential Accessory Structure Owner Occupied Short Term Rental Overlay district shall be notified according to the procedures of Article XV of Chapter 17.40.

SPONSORED BY:
Freddie O'Connell
Member of Council

An ordinance amending Sections 17.40.720 and 17.40.730 of the Metropolitan Code, Zoning Regulations, to require additional public notice regarding applications for permits from the Historic Zoning Commission (Proposal No. 2021Z-003TX-001).

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

Section 1. That Section 17.40.720 of the Metropolitan Code is hereby amended by adding the following new subsection D.:

D. Historic Zoning Commission Preservation Permits. No action shall be taken by the historic zoning commission on a preservation permit application under Section 17.40.420 unless, at least twenty-one eleven days prior to consideration of the application by the commission, the permit applicant provides written notice by U.S. Mail of the date, time, and place of the commission meeting to all property owners within one thousand feet of adjacent to the subject property. The applicant shall be responsible for the costs associated with the preparation of the written notices and shall be responsible for the mailing of such written notices.

Section 2. That Section 17.40.730 of the Metropolitan Code is hereby amended by deleting the first sentence paragraph and replacing it with the following:

Public notice signs shall be posted in accordance with the following provisions on any property subject to council consideration of an amendment to the official zoning map, or to the consideration of a variance, hillside exception or a special exception use permit by the board of zoning appeals, or to the consideration of a preservation permit application under Section 17.40.420 by the historic zoning commission. Notwithstanding, the following provisions shall not apply to a change in zoning district title or the specific provisions therein upon the adoption or subsequent amendment of this title. Public notice signs shall be posted in accordance with subsection E of this section on any property subject to consideration of certain preservation permit applications under Section 17.40.420 by the historic zoning commission.

Section 3. That Section 17.40.730 of the Metropolitan Code is further amended by adding the following new subsection E:

E. Historic Zoning Commission Preservation Permits. Public notice signs shall be posted on any property subject to consideration by the historic zoning commission of a preservation permit application which proposes demolition of a historic building, new construction of a primary building, an addition or outbuilding for a corner lot, or any other preservation permit that requires a setback determination. The public notice sign shall be installed on affected properties no less than eleven days prior to the consideration by the historic zoning commission. The number and placement of public notice signs shall be posted in accordance with subsection C. The applicant shall be responsible for both the cost of preparation of these public notice signs and the placement of the signs in accordance with this provision.

Section <u>43</u>. Be it further enacted, that this ordinance shall take effect immediately <u>60 days</u> 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.

SPONSORED BY:	
Burkley Allen	
Member of Council	

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 cancelling a portion of a Planned Unit Development Overlay District for various parcels located north of the CSX railroad, on either side of Bell road and approximately 900 feet southwest of Hickory Hollow Terrace at 5178 and 5234 Mt. View Road, Mt. View Road (unnumbered), 5246, 5252, and 5260 Hickory Hollow Parkway, and 927 Bell Road, located northwest of the intersection of Bell Road and Mt. View Road, zoned MUL, SCR, and R10 and partially located within a Corridor Design Overlay District (159.02 39.57 acres), all of which is described herein (Proposal No. 1-74P-013).

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 cancelling a <u>portion of a Planned Unit Development Overlay District for various parcels located north of the CSX railroad, on either side of Bell road and approximately 900 feet southwest of Hickory Hollow Terrace at 5178 and 5234 Mt. View Road, Mt. View Road (unnumbered), 5246, 5252, and 5260 Hickory Hollow Parkway, and 927 Bell Road, located northwest of the intersection of Bell Road and Mt. View Road, zoned MUL, SCR, and R10 and partially located within a Corridor Design Overlay District (159.02 39.57 acres); being various Property Parcels Nos.as designated on various Maps of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the 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.</u>

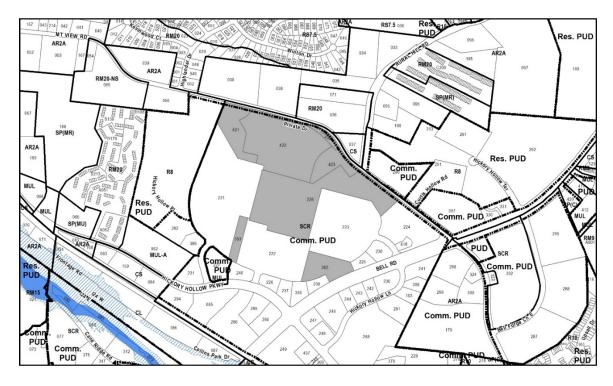
Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be on Map 163 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, 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:
Joy Styles Member of Council

1-74P-013 Map 163, Parcel(s) 228, 256, 352-353, 421-423, 427 Subarea 13, Antioch - Priest Lake District 32 (Styles) Application fee paid by: Fee waived by Council

A request to cancel a portion of a Planned Unit Development Overlay District (PUD) for various properties located at 5178 and 5234 Mt. View Road, Mt. View Road (unnumbered), 5246, 5252, and 5260 Hickory Hollow Parkway, and 927 Bell Road, located northwest of the intersection of Bell Road and Mt. View Road, zoned Shopping Center Regional (SCR) and partially located within a Corridor Design Overlay District (39.57 acres), requested by Councilmember Joy Styles, applicant; various owners.



APN	Owner	OwnAddr1	OwnCity	OwnState	OwnZip
16300035200	GLOBAL MALL PARTNERSHIP	757 ARMSTRONG PL	BRENTWOOD	TN	37027
16300035300	GLOBAL MALL PARTNERSHIP	757 ARMSTRONG PL	BRENTWOOD	TN	37027
16300022800	GLOBAL MALL PARTNERSHIP	757 ARMSTRONG PL	BRENTWOOD	TN	37027
16300025600	GLOBAL MALL PARTNERSHIP	757 ARMSTRONG PL	BRENTWOOD	TN	37027
16300042100	GLOBAL MALL PARTNERSHIP	757 ARMSTRONG PL	BRENTWOOD	TN	37027
16300042200	METRO GOV'T	P O BOX 196300	NASHVILLE	TN	37219
16300042300	GLOBAL MALL PARTNERSHIP	757 ARMSTRONG PL	BRENTWOOD	TN	37027
16300042700	CEMETERY	757 ARMSTRONG PL	BRENTWOOD	TN	37027

An ordinance amending Section 17.40.060 of Title 17 of the Metropolitan Code, Zoning Regulations, to allow only district members of the Metropolitan Council to initiate applications to amend the official zoning map of property owned by the Metropolitan Government, and amending Section 2.24.190 of the Metropolitan Code to require the Director of Public Property Administration to provide a monthly an annual property inventory report to the Metropolitan Council (Proposal No. 2021Z-005TX-001).

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

Section 1. That Section 17.40.060 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by deleting subsection B. in its entirety and substituting in lieu thereof the following:

B. An application to amend the official zoning map of property owned by the metropolitan government may be initiated only by the district member(s) of the metropolitan council representing the council district(s) where the property is located.

Section 2. That Section 2.24.190 of the Metropolitan Code is hereby amended by designating the existing provisions as subsection A. and by adding the following new subsection B.:

B. The director of public property administration shall provide each district councilmember with an annual inventory of real property owned by the metropolitan government located within their district.

Section 3. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:
Jonathan Hall
Member of Council

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by amending a Specific Plan for property located at 555 Creative Way, to add 0.33 acres for a total of 4.71 acres, to permit a mixed use development, all of which is described herein (Proposal No. 2017SP-075-003).

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

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

By amending a Specific Plan for property located at 555 Creative Way, to add 0.33 acres for a total of 4.71 acres, to permit a mixed use development., being Property Parcel No. 082 as designated on Map 051-00 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 051 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to 81 multi-family residential units and maximum of 7,400 square feet of office, restaurant, or retail use, and 8 hotel rooms within the entire SP, not exclusive to this amended area.

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

- 1. Maximum height of buildings along Creative Way shall limited to 4 stories in 60 feet, measured to the roofline.
- 2. Conditions for BL2017-925 shall remain applicable.
- 3. Comply with all conditions and requirements of Metro reviewing agencies.
- 4. The Final SP plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
- 5. 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 Homeowners' Association. 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.

Section 4<u>5</u>. 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 <u>56</u>. 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 MUN-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section <u>67</u>. 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.

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 CS, RS20 and R10 to SP zoning for properties located at 320 Connare Drive, 110 One Mile Parkway and Gallatin Pike (unnumbered), to permit 396 multi-family residential units, all of which is described herein (Proposal No. 2021SP-031-001).

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 CS, RS20 and R10 to SP zoning for properties located at 320 Connare Drive, 110 One Mile Parkway and Gallatin Pike (unnumbered), to permit 396 multi-family residential units, being Property Parcel No. 126 as designated on Map 033-00, Property Parcel No. 280 as designated on Map 033-16, Property Parcel No. 044 as designated on Map 034-00, Property Parcel No. 331 as designated on Map 034-13 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 033 and Map 034 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 396 multi-family units. Short term rental property (STRP) owner occupied and short term rental property (STRP) not owner occupied shall be prohibited.

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

- 1. <u>Units shall front One Mile Parkway with pedestrian entrances provided from ground floor units to the sidewalk.</u>
- 2. Along the eastern property line, 20 feet of existing trees shall remain to provide a buffer. If there are not sufficient existing trees to provide a buffer, a B level landscape buffer shall be provided.
- 3. At the time of final site plan, existing sidewalk infrastructure along Connare shall be evaluated and the applicants shall work with Planning and Public Works to determine final sidewalks and grass strips.
- 4. The final site plan shall show sidewalks along all public rights-of-way consistent with the Major and Collector Street Plan (MCSP) and Public Works design standards.
- 5. With the submittal of the final site plan, the applicant shall provide architectural elevations complying with the elevations submitted with the Preliminary SP for review and approval.
- 6. Parking shall comply with requirements of the Metro Zoning Code.
- 7. Comply with all conditions and requirements of Metro reviewing agencies.

- 8. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
- 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. 1
- 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 area designated as private open space at the corner of Connare and Apple Valley will be dedicated to Metro Parks as a public park and the applicant agrees to maintain landscaping in perpetuity.

Section 4<u>5</u>. 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 56. 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 <u>67</u>. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 78. 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:
Zach Young Member of Council

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 MUL-A to SP zoning for properties located at 943, 945, and 947 Woodland Street, to permit a mixed use development, all of which is described herein (Proposal No. 2021SP-035-001).

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 MUL-A to SP zoning for properties located at 943, 945, and 947 Woodland Street, to permit a mixed use development, being Property Parcel Nos. 352, 353, 354 as designated on Map 082-12 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 082 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 by MUL-A are permitted with the exception that Short Term Rental – Owner Occupied and Short Term Rental – Not Owner Occupied is prohibited.

<u>Section 4.</u> 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. Comply with all conditions and requirements of Metro reviewing agencies.

Section 4<u>5</u>. 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 <u>56</u>. 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 <u>67</u>. 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 MUL-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 78. 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.

Brett Withers	INTRODUCED BY:
Brett Withers	
Brett Withers	
	Brett Withers
	Member of Council

AMENDMENT NO.

TO

ORDINANCE NO. BL2021-725

Mr. President -

I hereby move to amend Ordinance No. BL2021-725 by deleting the existing Section 1 in its entirety and substituting with the following new Section 1:

Section 1. That Section 2.149.040 of the Metropolitan Code of Laws is hereby amended by modifying subsection G as follows:

G. Make recommendations to the metropolitan council regarding the awarding of grants from the Barnes Fund, including funds appropriated yearly by the metropolitan council through the operating budget ordinance, to deserving nonprofit organizations and nonprofit civic organizations, or as otherwise authorized by state law, supporting the purposes of the commission. Criteria for the awarding of such funds shall be established by the commission. The criteria shall include setting aside at least twenty percent of such grants to be used for the creation and preservation of affordable housing or capacity building for organizations that create or preserve affordable housing to be awarded to small nonprofit organizations, provided that a sufficient number of qualified applications are received. For the purposes of this subsection, "small nonprofit organizations" means nonprofit organizations with an annual operating budget of no more than four million dollars and a housing budget of no more than one million dollars. The commission shall submit a recommendation to the metropolitan council for the appropriation of funds to deserving nonprofit organizations consistent with T.C.A. § 7-3-314, as it may hereafter be amended. Once funds have been appropriated by the metropolitan council to the deserving nonprofit organization(s), the commission shall enter into a grant contract with each such organization. No such grant contract shall become effective without the approval of the metropolitan department of law and director of finance. In the event the recipient organization fails to complete its obligations under the grant contract within twenty-four months from execution, the commission shall be authorized to rescind the contract and to reclaim previously appropriated funds from the organization, subject to terms and conditions within the grant contract allowing for such.

Section 1. That Section 2.149.040 of the Metropolitan Code of Laws is hereby amended by modifying subsection G as follows:

G. Make recommendations to the metropolitan council regarding the awarding of grants from the Barnes Fund, including funds appropriated yearly by the metropolitan council through the operating budget ordinance, to deserving nonprofit organizations and nonprofit civic organizations, or as otherwise authorized by state law, supporting the purposes of the commission. Criteria for the awarding of such funds shall be established by the commission. The criteria shall include setting aside at least twenty percent of such grants during Fiscal Years 2022

and 2023 to be used for the creation and preservation of affordable housing or capacity building for organizations that create or preserve affordable housing to be awarded to small nonprofit organizations, provided that a sufficient number of qualified applications are received. Starting in Fiscal Year 2024 and thereafter, the criteria shall include an aspirational goal of setting aside at least twenty percent of such grants to be awarded to small nonprofit organizations. For the purposes of this subsection, "small nonprofit organizations" means nonprofit organizations with an annual operating budget of no more than four million dollars and a housing budget of no more than one million dollars. The commission shall submit a recommendation to the metropolitan council for the appropriation of funds to deserving nonprofit organizations consistent with T.C.A. § 7-3-314, as it may hereafter be amended. Once funds have been appropriated by the metropolitan council to the deserving nonprofit organization(s), the commission shall enter into a grant contract with each such organization. No such grant contract shall become effective without the approval of the metropolitan department of law and director of finance. In the event the recipient organization fails to complete its obligations under the grant contract within twenty-four months from execution, the commission shall be authorized to rescind the contract and to reclaim previously appropriated funds from the organization, subject to terms and conditions within the grant contract allowing for such.

SDONSODED BY: