



Metropolitan Council

**PROPOSED AMENDMENTS PACKET
FOR THE COUNCIL MEETING OF
TUESDAY, MARCH 1, 2022**

SUBSTITUTE ORDINANCE NO. BL2022-1061

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 AR2a to SP zoning for property located at 14656 Old Hickory Boulevard, at the southern terminus of Harris Hills Lane (81.38 acres), to permit 291 single family residential units, all of which is described herein (Proposal No. 2021SP-080-001).

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 AR2a to SP zoning for property located at 14656 Old Hickory Boulevard, at the southern terminus of Harris Hills Lane (81.38 acres), to permit 291 single family residential units, being Property Parcel No. 036 as designated on Map 173-00 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 173 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 291 single-family residential units. Short term rental property, owner occupied and short term rental property, 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. All lots that front onto a common open space shall have a pedestrian connection from the front of each residential unit to a sidewalk.
2. If the Possible WQ/Detention Areas adjacent to lots 70-74, 145-153, and 206-214 are not provided with the final site plan application, then open space shall be provided in these areas to satisfy the frontage requirements of the Subdivision Regulations for newly created lots.
3. Drive "I" shall be removed from the final site plan unless required by the Fire Marshal or another Metro reviewing agency.
4. The following design standards shall be added to the plan:
 - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway), provide a porch or covered stoop and a minimum of 15% glazing.
 - b. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers.
 - c. Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.

- d. Porches, if provided, shall provide a minimum of six feet of depth.
5. 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.
6. 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.
7. 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.
8. Comply with all conditions and requirements of Metro reviewing agencies.

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 RS3.75 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

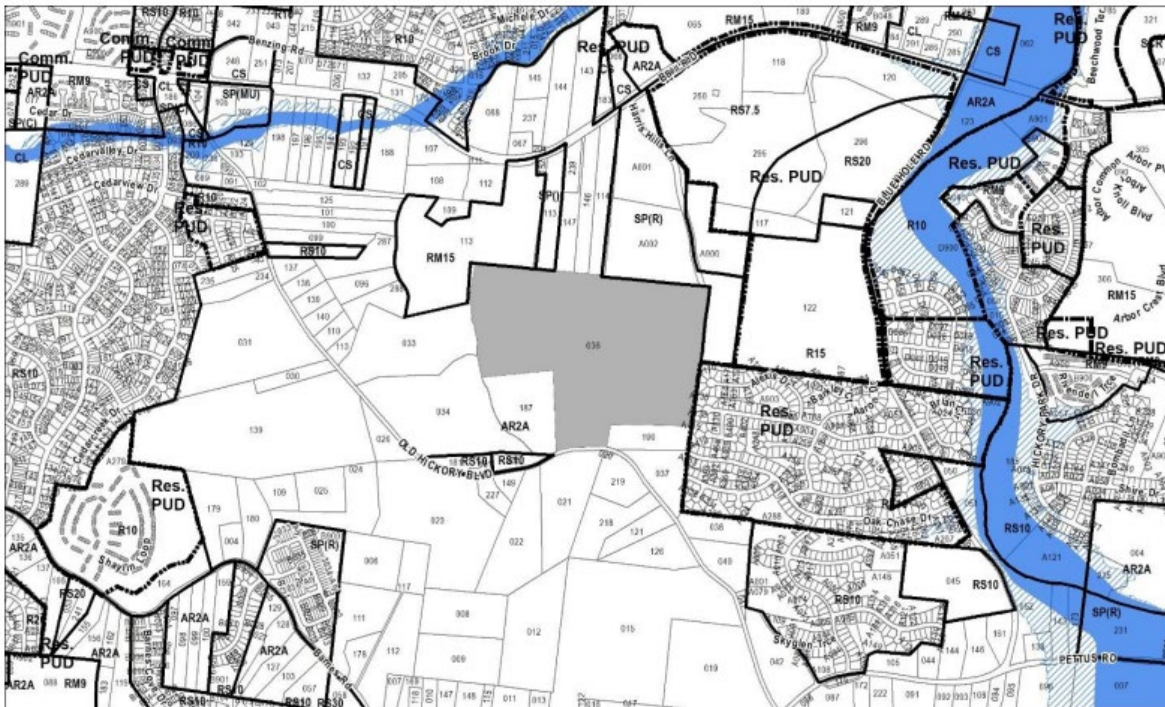
Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

John Rutherford
Member of Council

2021SP-080-001
COTHERN PROPERTY
Map 173, Parcel(s) 036
Subarea 12, Southeast
District 31 (John Rutherford)
Application fee paid by: ANDERSON, DELK, EPPS & ASSOCIATES

A request to rezone from AR2a to SP zoning for property located at 14656 Old Hickory Boulevard, at the southern terminus of Harris Hills Lane (81.38 acres), to permit 291 single family residential units, requested by Anderson, Delk, Epps and Associates, applicant; Cameron Properties, owner.



SUBSTITUTE ORDINANCE NO. BL2022-1062

An ordinance to authorize building material restrictions and requirements for BL2022-1061, a proposed Specific Plan Zoning District located at located 14656 Old Hickory Boulevard, at the southern terminus of Harris Hills Lane (81.38 acres), (Proposal No. 2021SP-080-001). **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 BL2022-1061, a proposed Specific Plan Zoning District located at 14656 Old Hickory Boulevard, at the southern terminus of Harris Hills Lane (81.38 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:

John Rutherford
Member of Council

SUBSTITUTE ORDINANCE NO. BL2022-1110

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 R10 to RM15-A-NS zoning for property located at 2106 Courtney Avenue, approximately 150 feet east of Clarksville Pike (0.4 acres), all of which is described herein (Proposal No. 2022Z-006PR-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 R10 to RM15-A-NS zoning for property located at 2106 Courtney Avenue, approximately 150 feet east of Clarksville Pike (0.4 acres), being Property Parcel No. 070 as designated on Map 069-12 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 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 069 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.

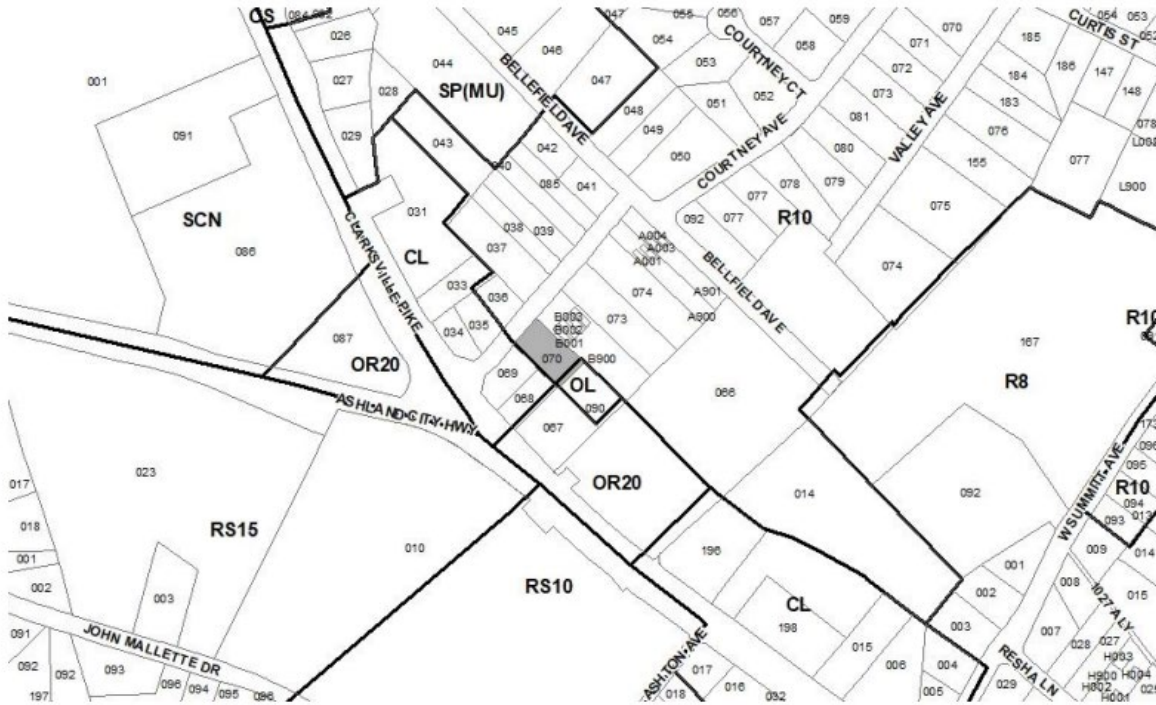
Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Kyonzté Toombs
Members of Council

2022Z-006PR-001
Map 069-12, Parcel(s) 070
Subarea 03, Bordeaux - Whites Creek - Haynes Trinity
District 02 (Kyonzté Toombs)
Application fee paid by: Courtney LLC

A request to rezone from R10 to RM15-A-NS zoning for property located at 2106 Courtney Avenue, approximately 150 feet east of Clarksville Pike (0.4 acres), requested by Duane Cuthbertson, applicant; Herman Marks, owner.



RESOLUTION NO. _____

A resolution approving a grant memorandum of understanding (MOU) from the National League of Cities to the Metropolitan Government, acting by and through the Office of the Mayor, to participate in the Southern Cities Economic Inclusion (SCEI) Initiative to help cities implement economic inclusion strategies that close racial and economic equity gaps.

WHEREAS, the National League of Cities has awarded a grant MOU, in an amount not to exceed \$25,000, with local match or in-kind service required to the Metropolitan Government, acting by and through the Office of the Mayor, to participate in the Southern Cities Economic Inclusion (SCEI) Initiative to help cities implement economic inclusion strategies that close racial and economic equity gaps; and,

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

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

Section 1. That the grant MOU, in an amount not to exceed \$25,000, by and between the National League of Cities and the Metropolitan Government, acting by and through the Office of the Mayor, to participate in the Southern Cities Economic Inclusion (SCEI) Initiative to help implement economic inclusion strategies that close racial and economic equity gaps, a copy of which grant's memorandum of understanding is attached hereto, is hereby approved, and the Metropolitan Mayor is authorized to execute the same.

Section 2. That the grant is to be appropriated to the Office of the Mayor based upon the actual grant amount to be received and any match to be applied.

Section 3. That this resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED AS TO AVAILABILITY OF FUNDS:

DocuSigned by:
Kelly Flannery

Kelly Flannery, Director
Finance Department

INTRODUCED BY:

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:
Miki Eke

Assistant Metropolitan Attorney

Member(s) of Council

:

GRANT SUMMARY SHEET

Grant Name: City of Nashville, Building Leadership 22-22

Department: MAYOR'S OFFICE

Grantor: NATIONAL LEAGUE OF CITIES, CITIES STRONG TOGETHER

Pass-Through Grantor (If applicable):

Total Award this Action: \$25,000.00

Cash Match \$0.00

Department Contact:

Status: NEW

Program Description:

The City of Nashville has been selected by the National League of Cities (NLC) to participate in the "Southern Cities Economic Inclusion (SCEI) Initiative - Expanding Capacity, Building Resilience". Nashville was competitively selected to participate in the "Building Leadership" cohort - one of two project cohorts which make up the 16-city initiative. The in-kind match will be services required.

Plan for continuation of services upon grant expiration:

N/A

B.A. Initials



5400

Grants Tracking Form

Part One

Pre-Application <input type="radio"/>		Application <input type="radio"/>		Award Acceptance <input checked="" type="radio"/>		Contract Amendment <input type="radio"/>							
Department		Dept. No.		Contact		Phone		Fax					
MAYOR'S OFFICE		075											
Grant Name:		City of Nashville, Building Leadership 22-22											
Grantor:		NATIONAL LEAGUE OF CITIES, CITIES STRONG TOGETHER				Other:							
Grant Period From:		03/03/22		<small>(applications only)</small> Anticipated Application Date:									
Grant Period To:		12/31/22		<small>(applications only)</small> Application Deadline:									
Funding Type:		OTHER		Multi-Department Grant		<input type="checkbox"/>		If yes, list below.					
Pass-Thru:				Outside Consultant Project:		<input type="checkbox"/>							
Award Type:		COMPETITIVE		Total Award:		\$25,000.00							
Status:		NEW		Metro Cash Match:		\$0.00							
Metro Category:		New Initiative		Metro In-Kind Match:		\$25,000.00							
CFDA #		N/A		Is Council approval required?		<input checked="" type="checkbox"/>							
Project Description:				Applic. Submitted Electronically?		<input type="checkbox"/>							
<p>The City of Nashville has been selected by the National League of Cities (NLC) to participate in the "Southern Cities Economic Inclusion (SCEI) Initiative - Expanding Capacity, Building Resilience". Nashville was competitively selected to participate in the "Building Leadership" cohort - one of two project cohorts which make up the 16-city initiative. The in-kind match will be services required.</p>													
Plan for continuation of service after expiration of grant/Budgetary Impact:													
N/A													
How is Match Determined?													
Fixed Amount of \$				or		% of Grant		Other: <input checked="" type="checkbox"/>					
Explanation for "Other" means of determining match:													
For this Metro FY, how much of the required local Metro cash match:													
Is already in department budget?						Fund		Business Unit					
Is not budgeted?						Proposed Source of Match:							
(Indicate Match Amount & Source for Remaining Grant Years in Budget Below)													
Other:													
Number of FTEs the grant will fund:				0.00		Actual number of positions added:				0.00			
Departmental Indirect Cost Rate				0.00%		Indirect Cost of Grant to Metro:				\$0.00			
*Indirect Costs allowed? <input type="radio"/> Yes <input checked="" type="radio"/> No				% Allow.		0.00%		Ind. Cost Requested from Grantor:				\$0.00	
										in budget			
*(If "No", please attach documentation from the grantor that indirect costs are not allowable. See Instructions)													
Draw down allowable? <input type="checkbox"/>													
Metro or Community-based Partners:													

Part Two

Grant Budget										
Budget Year	Metro Fiscal Year	Federal Grantor	State Grantor	Other Grantor	Local Match Cash	Match Source (Fund, BU)	Local Match In-Kind	Total Grant Each Year	Indirect Cost to Metro	Ind. Cost Neg. from Grantor
Yr 1	FY22			\$25,000.00	\$25,000.00		\$25,000.00	\$25,000.00	\$0.00	\$0.00
Yr 2	FY									
Yr 3	FY									
Yr 4	FY									
Yr 5										
Total				\$25,000.00	\$25,000.00		\$25,000.00	\$25,000.00	\$0.00	\$0.00
Date Awarded:				02/18/22	Tot. Awarded:		\$25,000.00	Contract#:		N/A
(or) Date Denied:					Reason:					
(or) Date Withdrawn:					Reason:					

Contact: trinity.weathersby@nashville.gov
vaughn.wilson@nashville.gov

President
Vince Williams
Mayor
Union City, Georgia

First Vice President
Victoria Woodards
Mayor
Tacoma, Washington

Second Vice President
David Sander, Ph.D.
Councilmember
Rancho Cordova, California

Immediate Past President
Kathy Maness
Councilmember
Lexington, South Carolina

**Chief Executive Officer/
Executive Director**
Clarence E. Anthony

February 16, 2022

The Honorable John Cooper

City of Nashville, Tennessee

Dear Mayor Cooper,

We are delighted to inform you that the **City of Nashville** has been selected by the National League of Cities (NLC) to participate in the “*Southern Cities Economic Inclusion (SCEI) Initiative - Expanding Capacity, Building Resilience*”. Your city was competitively selected to participate in the “**Building Leadership**” cohort – one of two project cohorts which make up the 16-city initiative.

The Building Leadership cohort of elected leaders (Round 1) will run from March 3, 2022, through December 31, 2022. Nashville is one of three **Leadership only** cities to participate in the first round of SCEI along with Tallahassee, FL and Baton Rouge, LA.

NLC is implementing this project with support from, and in collaboration with the W.K. Kellogg Foundation, the Annie E. Casey Foundation, and the Federal Reserve Bank of Atlanta. We look forward to collaborating with you to design and implement local economic inclusion strategies that close racial and economic equity gaps for residents and businesses of color.

Over the next two years, NLC will host several learning opportunities for participating cities to come together as peers to strategize and reflect on economic inclusion goals and strategies. The first orientation call is scheduled for **March 3, 2022, at 1:00PM Eastern Time**. NLC staff will soon send an email with more details, including a zoom link. We look forward to meeting you on this call along with other members of your local project team.

In addition, each city is encouraged to publicly announce their selection in the SCEI project. NLC has designed a Communications Toolkit which includes a sample press release and social media posts. These materials will assist you and your staff in announcing your participation in SCEI and partnership with

Page 2

NLC and ensuring the project is launched with an aligned and unified message.

Finally, attached to this letter is a memorandum of understanding (MOU) to be signed and returned to NLC **by March 2, 2022**. In the coming days, you will also receive instructions on how to submit a project budget to NLC and a grant agreement form to expedite the disbursement of an initial \$10,000 planning grant. For your convenience, we have outlined the allowable uses of these funds in the attached MOU.

Thank you and we look forward to working with you! Please do not hesitate to reach out to me with any questions about the project or any of the materials in your welcome packet at goldberg@nlc.org; or feel free to contact Rosanna Mulcahy, Program Manager of Economic Opportunity and Financial Empowerment at mulcahy@nlc.org.

Congratulations on your selection for this opportunity!

Sincerely,
Heidi Goldberg



Director, Economic Opportunity and Financial Empowerment
Institute for Youth, Education, and Families

Cc: Courtney Pogue

D. Belser, NLC
R. Mulcahy, NLC

SOUTHERN CITIES ECONOMIC INCLUSION INITIATIVE

Memorandum of Understanding

Between

National League of Cities Institute

and

City of Nashville, Tennessee

PURPOSE

This Memorandum of Understanding (MOU) sets forth the terms of participation and understanding between the National League of Cities Institute (NLCI) and the City of Nashville as part of NLCI's *Southern Cities Economic Inclusion Initiative (SCEI)* beginning March 3, 2022, through December 31, 2022 (the project term).

BACKGROUND

With support from and in collaboration with the W.K. Kellogg Foundation, the Annie E. Casey Foundation, and the Federal Reserve Bank of Atlanta, NLCI's SCEI initiative helps cities deepen local capacity and build leadership skills to support strategy development and implementation focused on economic inclusion. Through technical assistance and grant funding, the SCEI initiative will enable cities to assess their strategies and policies to create greater economic opportunity and resilience for communities of color.

The SCEI Initiative will provide two opportunities for participating cities to apply for grant funds – a planning grant in March 2022 and an implementation grant in June 2022. This MOU defines the terms for the full project term.

EFFECTIVE DATE AND TERMINATION RIGHTS

This MOU will take effect upon the last party's signature and shall remain in effect until December 31, 2022. Either party may terminate this MOU upon delivery of written notice to the other party. Upon termination, the City must promptly refund any unused grant funds to NLCI within 30 days of termination.

PROJECT OVERVIEW

The 10-month "Building Leadership" cohort of elected officials and civic leaders will work to lead economic inclusion policy change both at the city and state levels. Pairs of city and community leaders will engage in peer learning and support from NLC and leadership development in economic inclusion with time for deep reflection. In addition, mayors and city executives will be expected to participate in at least **three convenings** to align the city's strategic

direction with economic inclusion goals and offer the chance for significant peer discussion and leadership development.

GRANT AWARD AND USE OF FUNDS

Upon receipt and approval of the City's SCEI project budget and signing of this MOU, NLCI will provide the City a grant in the amount of \$5,000 to support costs associated with the initial planning phase of the work as outlined in the City's SCEI application as accepted by NLCI. Later in 2022, NLCI will implement an application process for project cities to secure a second implementation grant of up to \$20,000. Funds shall be used solely for the purpose and goals stated herein and in accordance with the budget submitted by the City and approved by NLCI for activities for the term of this MOU. Allowable uses of funds include but are not limited to expenses associated with core personnel costs; support for data collection and analysis from an external partner (to be decided in partnership with NLCI); stakeholder engagement with community organizations, residents, and other partners; consultants for planning; incentives for resident engagement such as gift cards or food; costs associated with early implementation of action plan; and other uses as approved by NLCI.

DISTRIBUTION OF AWARD

NLCI shall distribute the total planning grant award to the City upon the receipt of a completed W-9 form, completed ACH form, a signed copy of this MOU, and successful approval of your proposed budget. Distribution of a second implementation grant will take place in summer 2022.

DATA SHARING

By participating in the SCEI initiative, City agrees to share relevant project and city data with NLCI in support of the initiative's goals. City will work with NLCI and the Federal Reserve Bank of Atlanta to:

- Conduct a baseline assessment of local economic inclusion needs and assets;
- Develop a data collection plan to measure progress on economic inclusion benchmarks and strategies; and
- Share relevant data in aggregate form with NLCI through grant reports and at other key times during the project grant period.

SUMMARY OF ROLES AND RESPONSIBILITIES

By accepting participation in the SCEI initiative, the City agrees to participate in the following activities of the LEADERSHIP cohort.

- Commit one city elected official and one external stakeholder to participate in the ten-month cohort;
- Participation by mayor or other city executive in at least three convenings (anticipated to be in person depending on public health conditions); and
- Participation by a senior city staff member designated by the mayor or city executive (approved in advance by NLC) to attend additional cohort meetings (virtual or in-person) in which the mayor or city executive is unable to attend.
- Develop a set of economic inclusion strategies and commit to implementing 1-2 strategies during the initiative;
- Work with national and local partners to secure local match funding totaling 100% of the grant (either funds or in-kind services) related to the project by April 30, 2022;
- Note the National League of Cities involvement and support in public communications and media materials about the project or the City’s efforts;
- Submit **an interim grant report to NLCI on May 30, 2022**, which includes a summary of the planning work conducted, as well as a financial report that shows how the awarded planning funds have been used; and
- Submit a final grant report to **NLCI by December 31, 2023**, which includes a narrative description of all work conducted under the grant, outcomes achieved, lessons learned, qualitative and quantitative data associated with the project goals and activities, a sustainability plan as well as a financial report that shows how the cumulative awarded funds were used.

Southern Cities Economic Inclusion Initiative

By signing this document, I acknowledge that I have read and agreed to provisions set forth in this MOU agreement for the National League of Cities Institute’s *Southern Cities Economic Inclusion Initiative*.

City of Nashville, Tennessee

Signature

Date

Name – Authorized Signature

Title

City

National League of Cities Institute

Signature

Date

Clarence E. Anthony
Executive Director
National League of Cities Institute

Please email this completed page to Rosanna Mulcahy at mulcahy@nlc.org

**SIGNATURE PAGE
FOR
GRANT NO. City of Nashville Building Leadership 22-22**

IN WITNESS WHEREOF, the parties have by their duly authorized representatives set their signatures.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Mayor's Office

Date

APPROVED AS TO AVAILABILITY
OF FUNDS:

DocuSigned by:

Kelly Flannery/mjw

Kelly Flannery, Director
Department of Finance

2/23/2022

Date

APPROVED AS TO RISK AND INSURANCE:

DocuSigned by:

Balogun Colob

Director of Insurance

2/23/2022

Date

APPROVED AS TO FORM AND
LEGALITY:

DocuSigned by:

Neki Eke

Metropolitan Attorney

2/23/2022

Date

John Cooper
Metropolitan Mayor

Date

ATTEST:

Metropolitan Clerk

Date

RESOLUTION NO. RS2022-_____

A Resolution setting up procedures for a Pre-Budget Public Comment Period.

WHEREAS, Section 6.04 of the Metropolitan Charter requires the Mayor to file the Operating Budget Ordinance by May 1 and Section 6.06 requires the Metropolitan Council to adopt an Operating Budget Ordinance by June 30; and

WHEREAS, Section 6.05 of the Metropolitan Charter requires a public hearing on the Operating Budget Ordinance after the first reading and the public hearing is typically held at the second reading of the Operating Budget Ordinance; and

WHEREAS, this schedule allows for valuable public feedback but there is little time or opportunity to incorporate requests into the operating budget; and

WHEREAS, the Metropolitan Council desires to provide additional means for the public to provide input into the budget process; and

WHEREAS, a public comment period earlier in the budget process would provide an opportunity for citizens to express their support for various components of the budget or proposed programs.

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

Section 1. That at the meeting of the Metropolitan Council to be held on Tuesday, March 15, 2022, at 6:30 p.m. in the Metropolitan Council Chamber on the second floor of the Historic Metropolitan Courthouse, the Council shall conduct a special public comment period to allow the Council to hear general comments on public requests for the operating budget or the Capital Improvements Budget.

Section 2. The procedures for this comment period shall be as follows:

- A. This special comment period shall be limited to no more than two hours.
- B. Individuals or organizations must sign up to speak no later than 4:30 p.m. on Tuesday, March 8, 2022. Members of the public may sign up to speak using the Metro Council Public Comment Sign-Up form available at the following website: <https://www.nashville.gov/departments/council/public-comment-period/sign>
- C. Each individual will be allowed up to two minutes to speak.
- D. Each organization will be allowed a total of 10 minutes to speak.
- E. Sign-up forms will be accepted and time slots will be filled on a first-come, first-served basis. If all time slots are filled, a waitlist will be created and those individuals on the waitlist will have priority to speak if speakers do not attend the meeting.
- F. Speakers will be notified by the Council Office if they are on the list of speakers or waitlist no later than 4:30 p.m. on Monday, March 14, 2022.
- G. Speakers must check-in between 5:45 p.m. and 6:15 p.m. at the check-in desk on the second floor of the Historic Metropolitan Courthouse outside of the Council Chamber. Speakers will be assigned a time slot at this time.

H. If an individual or organization signed up to speak but does not check-in by 6:15 p.m., their time slot will be given to an individual or organization on the waitlist.

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

INTRODUCED BY:

Burkley Allen
Member of Council

RESOLUTION NO. RS2022-_____

A resolution in support of life-saving responses to the recent escalating overdoses largely caused by the widespread availability of synthetic, illicit drugs.

WHEREAS, saving lives for those actively living with substance use disorder is a high priority. This requires that Public Health and Public Safety agencies must coordinate efforts in meaningful and immediate ways that strengthen crisis response and rapid referral for individuals exposed to synthetic drugs, such as fentanyl, a lethal and illicit opioid that is now found in all illicit drugs in Davidson County; and

WHEREAS, substance use disorders occur when the recurrent use of alcohol and/or prescription or illicit drugs causes clinically significant impairment, including impairment of judgement, health problems, disability, and failure to meet major responsibilities at work, school, or home; and,

WHEREAS, substance use disorder and mental health are not separate issues: in fact, addiction is a mental health diagnosis and must be treated as such. Drug use and/or addiction can occur at the same time an individual is attempting to manage a chronic or episodic mental health condition. Addiction as a mental health diagnosis and condition is often misunderstood and stigmatized, increasing the risk of relapse or overdose; and,

WHEREAS, Davidson County had over 700 fatal overdoses in 2021. Fentanyl was involved in nearly 75% of those fatalities; and

WHEREAS, law enforcement continues to see high levels of trafficking of fentanyl, synthetic opioids, methamphetamine, cocaine, and synthetic stimulants which are expected to drive both fatal and non-fatal overdoses over the next few years; and,

WHEREAS, law enforcement has documented that these drugs can be mistaken for legitimate prescription medications; and

WHEREAS, the wide-spread presence of synthetic opioids, like fentanyl, defines a much more dangerous environment for Davidson County residents and demonstrates that the issue is no longer the "Opioid Crisis" of a few years ago. For example, fentanyl, a synthetic opioid is 50 to 100 times stronger than morphine; and

WHEREAS, the first responder system, linkage to treatment, and treatment services themselves were not built to address this crisis; and

WHEREAS, like all public health emergencies, Davidson County must prioritize response with the limited resources available to support first responders, immediate connections to care and life-saving interventions, while at the same time ensuring that the Metro Public Health Department has the resources to support data-to-action approaches that integrate with mental health treatment and care and reflect the needs of different demographic groups; and

WHEREAS, non-fatal and fatal overdoses are highly traumatic for families, communities, and even workplaces. Non-fatal and fatal overdose response is both financially and emotionally taxing

for Davidson County residents, first responders, emergency departments, medical examiners, public health agencies, treatment centers, and others that are deeply impacted by this issue.

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

Section 1. The Metropolitan County Council hereby goes on record as supporting life-saving responses to overdoses largely attributed to the widespread availability of synthetic, illicit drugs.

Section 2. The Metropolitan County Council further goes on record as supporting the alignment of life-saving connections to care with national public health emergencies declared by the current and former U.S. Presidents.

Section 3. The Metropolitan County Council further goes on record as supporting efforts to engage knowledgeable stakeholders to identify immediate points of action to reduce fatal and non-fatal overdoses, address data barriers to help those most at risk for overdose, promote evidenced-based approaches to keeping individuals with a substance use disorder alive through rapid referral to detox and medically assisted treatment, as well as other proven methods of mental health treatment that support recovery so that our diverse communities can be resilient in the face of wide-spread availability of synthetic drugs.

Section 4. This Resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Erin Evans
Member of Council

SUBSTITUTE ORDINANCE NO. BL2022-1121

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to amend Chapters 17.12, 17.24, 17.28, 17.36, and 17.40 pertaining to the cluster lot option, all of which is described herein (Proposal No. 2022Z-004TX-001).

WHEREAS, Metro Nashville and Davidson County is characterized by rolling hills, steep bluffs, valleys, floodplains, forests, and numerous rivers and streams; and

WHEREAS, NashvilleNext, Metro’s General Plan adopted in 2015, identifies such natural areas as important community assets that provide benefits including enhancing air and water quality, moderating temperature, providing wildlife habitat, and better quality of life for residents; and

WHEREAS, NashvilleNext identifies the importance of sensitive development techniques to minimize hazards associated with development in natural areas and to balance preservation and development to create resiliency; and

WHEREAS, allowing for flexibility in development patterns within existing zoning allowances can help to achieve goals to balance development with protection and conservation of sensitive natural areas; and

WHEREAS, updating the standards of the zoning code pertaining to the cluster lot option will help ensure that flexibility of lot size and development pattern are appropriately balanced and linked with the quantity and quality of natural area conservation achieved by the proposed development.

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

Section 1. That Chapter 17.12 of the Metropolitan Code is hereby amended by deleting section 17.12.090 Cluster Lot Option in its entirety and replacing it with the following:

17.12.090 - Conservation Development

- A. Purpose and Intent. Conservation development is a set of standards that shall be utilized in the design of subdivisions as provided in this section. The purpose of these standards is to:
 - 1. Preserve unique or sensitive natural resources such as steep slopes; hillsides; streams, wetlands, floodways, and floodplains; problem soils; archaeological resources; and native forests or unique vegetation.
 - 2. Encourage the creation of lots on less environmentally sensitive areas of the site.
 - 3. Provide flexibility in design of subdivisions within existing zoning districts to promote environmental resource protection.
- B. Applicability. Subdivisions proposed in the R/R-A and RS/RS-A zoning districts that meet both of the following standards shall utilize the provisions of this section.
 - 1. Minimum Site Area. The minimum site area of no less than ten (10) times the minimum lot area for the base zoning district as established by Table

17.12.020A. For example, in the R10 district the minimum area for the subdivision would be one hundred thousand square feet. (Ten thousand square feet minimum lot size times ten).

2. Minimum Natural Area. A minimum of ten percent of the site contains any, or a combination of, the following:
 - a. Areas shown on FEMA maps as part of the 100 year floodplain or identified in local studies as confirmed by Metro Stormwater;
 - b. All perennial and intermittent streams, floodways, and associated buffers, as determined by Metro Stormwater or the State;
 - c. Areas of natural slopes of 20% or greater of at least 10,000 square foot contiguous area;
 - d. Areas containing problem soils as established by Section 17.28.050; Wetlands, as determined by Metro Stormwater;
 - e. Known habitat for federally or state listed or proposed rare, threatened, or endangered species;
 - f. Areas containing a protected Cedar Glade plant species as established by Section 17.28.060;
 - g. Archaeological or historic sites, cemeteries, and burial grounds; or
 - h. Protected, heritage and historic and specimen trees, as defined by Section 17.40.450 of the Metro Zoning Code.
- C. Maximum Lot Yield. The determination of the maximum lot yield shall be based on assigning 20% of the gross acreage of the site to open space and infrastructure. The remaining 80% of the gross acreage shall be divided by the minimum lot size of the base zoning district to determine the maximum yield. Yield shall not be based on the minimum lot size as described in Section D Lot Size Flexibility.
- D. Conservation and Design Flexibility. In order to accomplish the purposes of this section, flexibility in lot sizes may be proposed in exchange for protection of the natural areas present on the site according to the following standards:
 1. Conservation Areas
 - a. Subdivisions subject to the Rural Character Subdivision Regulations shall follow the procedures of those regulations for identification and protection of Primary Conservation Lands in common open space.
 - b. All other subdivisions shall set aside as common open space those portions of the site containing natural areas for purposes of conserving those resources according to the following:
 - i. If less than or equal to 20 percent of the site contains these natural areas, then the entire area shall be set aside in common open space.
 - ii. If more than 20 percent of the site contains natural areas, then a minimum of 20 percent of the site shall be set aside as open space.

The applicant is encouraged, but not required, as part of this chapter, to set aside areas of common open space in excess of 20 percent in exchange for additional design flexibility.
2. Common open space may be provided for other purposes besides protection of natural areas, but such open space shall not contribute to the flexibility of lot sizes afforded by this section.

3. Lot sizes for single-family lots may be reduced in size from the minimum required by the base zoning district by equivalent percentage of the site that is in the natural area protected in common open space or in primary conservation land, if applicable. For example, on a site zoned RS15 with ten percent of the site set aside as natural area, the lots may be reduced in size by ten percent, or to a minimum of 13,500 square feet in area. On a site zoned RS15 with 35 percent set aside as open space protecting natural area, the lots may be reduced in size by 35%, or to a minimum of 9,750 square feet.
 4. In no case shall the minimum lot size be reduced below 3,750 square feet.
 5. Lots proposed for duplexes must meet the minimum lot size of the base zoning district (no reduction in area permitted) and shall comply with the standards of 17.16.030.D of this title.
 6. Development in hillside and floodplain areas shall follow those standards as set out in Chapter 17.28. If the natural area preservation required in those sections is greater than the area required here, then that chapter shall prevail. In no case shall the required natural area preservation be less than that required in this section.
 7. Trees removed pursuant to this section shall follow the standards of Chapter 17.28.65. If the natural area preservation required in that section is greater than the area required here, then the requirements of that section shall prevail. In no case shall the required natural area preservation be less than that required in this section.
 8. The standards for the review of critical lots as provided in the adopted Subdivision Regulations shall apply.
 9. The bulk standards and landscaping requirements of a comparable zoning district which most closely resembles the alternative lot sizes proposed for any given phase of development shall be employed for that phase of the subdivision.
 10. A standard C landscape buffer yard as per 17.24 Article IV Landscape Buffer Yard Requirements shall be required along the perimeter of the development when perimeter lots are reduced in size from the minimum lot size required by the base zoning district. If all perimeter lots meet the minimum size of the base zoning, no landscape buffer yard is required.
- E. Natural Open Space. Open space provided for the purposes of protecting natural areas and in exchange for flexibility of design, as described above, shall be called natural open space and subject to the standards below. These standards are not applicable to common areas or open spaces that may be provided for other purposes.
1. All natural open space provided in accordance with this section shall be platted with the first phase of development that includes any lots utilizing alternative lot sizes as provided for above and shall be identified on the plat as protected natural open space.
 2. Clearing, grading or disturbance of natural open space shall be prohibited, except for essential infrastructure. Roadways and other essential utilities necessary to serve the development may be permitted to cross a natural open space provided that this development minimizes impacts to this area. Preliminary grading and construction plans that demonstrate the limits of disturbance, feasibility of construction and overall impacts to the area at a level of detail beyond that normally required at the concept plan (preliminary plat) phase shall be required prior to approval of a plan incorporating such

infrastructure. The portion of the natural open space that must be disturbed to accommodate essential infrastructure shall not contribute toward the required minimum natural open space or flexibility of lot size afforded by the previous section.

3. Protected natural open space shall be located and identified in the field prior to the issuance of a tree removal or grading permit to ensure there is no disturbance of these areas during the construction process.
4. Configuration and Access. To the maximum extent practicable given the configuration of natural areas, the open space shall be in a contiguous tract. Consideration should be given to the preservation of natural area that adjoins neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space in an adjacent development. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with pedestrian access to the open space via an access easement designated on the plat.
5. Permitted Uses of Natural Open Space. The following uses may be located or installed within natural open space without affecting the contribution of those areas to flexibility of lot size afforded by the previous section:
 - a. Conservation of natural resources;
 - b. Paved greenway trails or trailhead facilities identified in the Metropolitan Parks and Greenways Master Plan and located within publicly accessible greenway conservation easements to the benefit of the Metropolitan Greenways Commission or Metro Parks;
 - c. Walking or bicycle trails provided they are constructed of porous paving materials;
 - d. Passive recreation areas such as picnic shelters, gazebos, or shared docks;
 - e. Required stormwater mitigation measures such as reforestation that do not require grading;
 - f. Other conservation-oriented uses compatible with the purposes of this section.
6. Prohibited Uses of Natural Open Space.
 - a. Clearing, grading, disturbance, or tree removal except as specifically authorized in the permitted uses;
 - b. Roads, parking lots, impervious surfaces, and infrastructure;
 - c. Active recreational or play facilities including but not limited to tennis courts, basketball courts, swimming pools, playgrounds, baseball/softball diamonds or volleyball courts or other facilities that incorporate impervious surface; and
 - d. Impoundments, such as retention and detention basins, and other conventional stormwater facilities.
7. Ownership and Management.
 - a. Natural Open space within a conservation development shall be owned and maintained by an incorporated association for the mutual benefit of residents or property owners within the development and shall be adequately described on a recorded plat of subdivision approved by the planning commission. All property owners within a conservation subdivision shall be a member of the association which shall be responsible for the assessment of dues to cover the recurring costs of maintaining all natural open space areas. Articles of

incorporation and bylaws shall be submitted and approved according to the subdivision regulations.

- b. In limited circumstances where the natural open space is identified on the Greenways Master Plan or within the Parks Master Plan, the developer may offer the open space for dedication to Metro Parks subject to approval and acceptance by Metro Parks Board and Metro Council as appropriate.
- c. Natural Open Space Management Plan. With the concept plan applicants shall submit a plan for the management of the open space and common facilities which allocates responsibility and guidelines for maintenance and operation of the open space and any facilities located within the open space areas. If the open space is restricted via a conservation easement in the favor of a bona fide land trust or other permanently established organization legally able to accept such easements, a stewardship plan or other management plan associated with the conservation easement may be provided in lieu of the open space management plan.
- d. Failure to maintain. When the failure of an association or other responsible party to properly maintain a natural open space results in a public nuisance, the zoning administrator is empowered to initiate appropriate measures to eliminate the nuisance. If public funds are utilized to remove a nuisance and/or maintain common open space, those costs shall be assessed proportionally against all property owners within the development in the form of a tax lien. This provision shall not apply to any natural open space that has been dedicated to and accepted by the metropolitan government.

F. Application Requirements.

- 1. The subdivision concept plan (preliminary plat) shall clearly indicate that a conservation development is proposed and shall be prepared in accordance with the procedures and requirements of the Metro Subdivision Regulations.
- 2. Concurrent with the submittal of the concept plan, the applicant shall prepare and submit a site analysis map that identifies the natural areas. Documentation of, or determinations regarding the areas from appropriate Metro, State or Federal agencies or official maps or resources, if applicable, shall also be provided.
- 3. Preliminary grading and construction plans that demonstrate the limits of disturbance, feasibility of construction and overall impacts to a natural area at a level of detail beyond that normally required at the concept plan (preliminary plat) phase shall be required prior to approval of a conservation plan.

Section 2. That Chapter 17.24 of the Metropolitan Code is hereby amended by deleting subsection 17.24.100.B.3 and replacing it with the following:

- 3. Compliance with this subsection B. shall be calculated using gross acreage of the property but shall not include the following:
 - a. The portion of the land area currently or proposed to be covered by buildings;
 - b. The fenced area of any athletic field;

- c. The area of a lake or pond which is covered by water year round; and
- d. Open areas of golf facilities.
- e. Natural areas preserved in open space pursuant to 17.12.090 Conservation Development.

Section 3. That Chapter 17.24 of the Metropolitan Code is hereby amended by deleting subsection 17.24.110.D and replacing it with the following:

D. Fencing of Tree Protection Zone or Natural Area Open Space. Prior to the commencement of construction, the developer shall enclose the entire tree protection zone or natural area open space within a fence or similar barrier as follows:

Section 4. That Chapter 17.24 of the Metropolitan Code are hereby amended to modify subsection 17.24.110 to insert the following as subsection 17.24.110.D and re-letter the subsequent subsections:

D. Development Prohibited within the Natural Areas. All development activities shall be prohibited within any tree protection zone established for a natural area preserved in open space pursuant to Section 17.12.090 Conservation Development.

Section 5. That Chapter 17.28 of the Metropolitan Code is hereby amended by deleting subsection 17.28.030.A.2 and replacing it with the following:

- 2. Single and/or two-family subdivisions in areas characterized by twenty percent or greater slopes shall employ the conservation development provisions of Section 17.12.090. In general, lots so created shall be grouped on those portions of the site that have natural slopes of less than twenty percent. The planning commission may authorize lots on natural slopes ranging up to twenty five percent, subject to the special standards and conditions noted above. Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as common open space and permanently maintained in a natural state.

Section 6. That Chapter 17.28 of the Metropolitan Code is hereby amended by deleting subsection 17.28.040.C.2 and replacing it with the following:

- 2. Grouped lots. A single and/or two-family subdivision proposed on property containing natural floodplain and floodway areas shall employ the conservation development Section 17.12.090 or the Planned Unit Development (PUD) cluster lot option of Section 17.36.070. Residential lots under the conservation development or PUD cluster lot option may be grouped within the manipulated areas of the natural floodplain. Any residential lot, or any portion of a residential lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the department of water and sewerage services. Protected floodway and floodplain areas shall not be excluded from the calculation of gross land area for purposes of determining lot yield pursuant to Section 17.12.090.

Section 7. That Chapter 17.28 of the Metropolitan Code is hereby amended by deleting Section 17.28.060 and replacing it with the following:

17.28.060 – Protection of Cedar Glade plant communities.

A residential subdivision or multifamily development proposed on land containing a designated Cedar Glade environment shall make all reasonable effort to preserve that environment through the use of conservation development afforded by this title.

Section 8. That Chapter 17.36 of the Metropolitan Code is hereby amended by deleting subsection 17.36.070.A.1 and replacing it with the following:

1. Residential lots within a PUD district may be grouped to a greater extent than allowed by the conservation development provisions of Section 17.12.090 in return for extraordinary protection of environmentally sensitive areas in a natural state. With proper environmental protection, a PUD master development plan may recapture up to one hundred percent of the average density achievable by similarly zoned land with no environmental constraints. The actual achievable density for any given master development plan may be less depending upon the extent of environmentally sensitive areas to be protected and the minimum lot requirements established below.

Section 9. That Chapter 17.36 of the Metropolitan Code is hereby amended by deleting subsection 17.36.070.C.3 and replacing it with the following:

3. Perimeter lots otherwise abutting a conventional R/R-A or RS/RS-A subdivision may be reduced in size the equivalent of one zoning district with the installation of a standard B landscape buffer yard located within common open space. Perimeter lots may be reduced in size the equivalent of two zoning districts with the installation of a standard C landscape buffer yard.

Section 10. That Chapter 17.36 of the Metropolitan Code is hereby amended by deleting subsection 17.36.150 and replacing it with the following:

17.36.150 – General provisions

- A. Properties encompassed by a mapped greenway overlay district are encouraged to utilize the conservation development option (Section 17.12.090) or planned unit development (Article II of this chapter) provisions of this title, thereby protecting the functional integrity of the adopted greenway master plan.
- B. In consideration of a subdivision plat utilizing the conservation development authority of Section 17.12.090 or a PUD master development plan containing property within a greenway overlay district, the planning commission shall solicit a recommendation from the metropolitan greenways commission staff regarding the objectives of the adopted greenway plan as they relate to the subject property. The planning commission shall base its approval or disapproval on the extent to which a property owner has taken all reasonable measures to orient development in a manner which protects the value of those areas within the district for incorporation into a greenway system.

Section 11. That Chapter 17.36 of the Metropolitan Code is hereby amended by deleting section 17.36.160 and replacing it with the following:

17.36.160 - Dedication incentives

Development incentives are established by this section to encourage participation in the implementation of a comprehensive greenway network. In return for a development bonus, the landowner shall locate all development outside the overlay district, design and orient all development in a manner which protects the functional and operational integrity of the greenway network, and dedicate all areas within the overlay district for public use by conveyance of easements, property title or equivalent means. The following incentives may be applied to properties lying within a mapped greenway overlay district, and are to be considered bonuses granted above and beyond all other incentives established elsewhere in this title.

- A. Residential development in the R/R-A and RS/RS-A districts utilizing the conservation development provisions of Section 17.12.090 or the PUD cluster provisions of Article II of this chapter may utilize the development bonus provisions of Section 17.36.090 for a corresponding amount of land area dedicated for public greenway use. Area dedicated for public greenway use in a PUD or conservation development may count one and one-half times towards satisfying minimum common open space requirements of Section 17.36.070.B or 17.12.090.
- B. Multifamily development in the RM and mixed-use districts may achieve a twenty-five percent bonus in achievable density derived from that amount of land area dedicated for public greenway use. Area dedicated for public greenway use in a PUD development may count one and one-half times towards satisfying the minimum common open space requirement of Section 17.36.070B; all protected trees within the area of dedication may count one and one-half times in satisfying the tree density requirements of Section 17.24.100.
- C. Nonresidential development may be granted a floor area ratio (FAR) bonus of twenty-five percent for that amount of land area dedicated for public greenway use. All protected trees within the area of greenway dedication may count one and one-half times in satisfying the tree density requirements of Section 17.24.100.

Section 12. That Chapter 17.40 of the Metropolitan Code is hereby amended to modify the list of Sections/Tables in subsection 17.40.340.A as follows:

17.12.090 (conservation development)

Section 13. That Chapter 17.40 of the Metropolitan Code is hereby amended by deleting the introductory paragraph of Section 17.40.380 and replacing it with the following:

Requests for exceptions from the hillside development standards of Chapter 17.28 shall be administered and decided in conformance with the requirements of this article. The board shall have no authority to vary lot areas within platted residential developments utilizing lot area averaging or conservation development provisions of Chapter 17.12.

Section 14. That Chapter 17.40 of the Metropolitan Code is hereby amended by deleting subsection 17.40.470.A.2. and replacing it with the following:

2. Except for development approved pursuant to 17.12.090 Conservation Development each application for a tree removal permit shall be accompanied by a tree survey

based upon current information. An application for a tree removal permit for a Conservation Development approved pursuant to 17.12.090 shall submit a tree survey for any trees located outside of the natural areas required to be preserved in open space. The survey shall show the location, size and type of retained, protected and heritage trees upon the site, including common or scientific names. The survey shall indicate which retained, protected and heritage trees are intended for removal and/or grubbing and which will be left undisturbed. A final site plan prepared to the same scale shall be submitted which illustrates the following:

- a. The locations of existing and proposed buildings, layout of roads, utilities, parking areas for vehicles, storage areas for construction materials, and other items that disturb or compact the soil in tree root zones.
- b. Existing and proposed grades and subsequent erosion control measures to prevent siltation over the roots of protected and heritage trees and appropriate tree protection fencing for those trees.
- c. For a conservation development approved pursuant to 17.12.090 survey plans shall locate and label all natural areas to be preserved and show and label the limits of disturbance.
- d. For a conservation development approved pursuant to 17.12.090, the site analysis plan shall be included with the submittal.

Section 15. Be it further enacted that this ordinance shall 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.

SPONSORED BY:

Angie Henderson
Member of Council

AMENDMENT NO. __
TO
ORDINANCE NO. BL2022-1089

Mr. President –

I hereby move to amend Ordinance No. BL2022-1089 as follows:

I. By repealing Amendment No. 1 in its entirety.

II. By amending Section 1 by deleting the proposed definition of “Enclosed vehicle” in Metropolitan Code of Laws Section 6.77.010 as follows:

~~“Enclosed Vehicle” means any motor vehicle that is fully enclosed by metal, plexiglass, professionally installed operable vinyl windows, or glass on all sides and on the top/roof. Any vehicle not meeting this definition would constitute an “unenclosed vehicle.” A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a pickup truck or a wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle “side” must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, excluding the driver compartment if separate from the passenger area, but all windows shall be fully raised while the vehicle is in operation with customers aboard and any passenger is in possession of an open container. Enclosed vehicles shall maintain any required emergency access or exits but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.~~

III. By amending Section 1 by adding the following new definition of “Enclosed Vehicle”:

“Enclosed Vehicle” means a fully enclosed entertainment transportation vehicle. “Unenclosed Vehicle” means an entertainment transportation vehicle that does not meet the definition of an Enclosed Vehicle. The MTLC shall determine what constitutes a fully enclosed entertainment transportation vehicle and shall develop rules and regulations to ensure that both Enclosed Vehicles and Unenclosed Vehicles are safe and in compliance with existing noise ordinances.

IV. By amending Section 6 as follows:

Section 6. That Section 6.77.070 of the Metropolitan Code of Laws is hereby amended by deleting Subsections B and C in its their entirety and replacing it these subsections with the following:

B. Insurance coverage as provided in subsection (A) of this section means:

1. Holders of certificates of public convenience and necessity shall maintain commercial general (public) liability insurance, inclusive of contractual liability, in an amount of not less than one million dollars a minimum amount as determined by the MTLC in consultation with the Metropolitan Government Insurance and Claims Manager written on an

occurrence basis. This insurance shall be issued by an insurance company qualified to do business in the state and naming the metropolitan government as an additional insured.

2. Such holders shall also maintain commercial automobile liability insurance that shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any entertainment transportation or other motor vehicle affiliated with the company in minimum amounts and under such coverages as determined by the MTLC in consultation with the Metropolitan Government Insurance and Claims Manager, with the minimum amount of insurance to be three million dollars per incident, known as combined single limit insurance coverage, and uninsured/underinsured motorist insurance coverage in an amount not less than twenty five thousand dollars (bodily injury per person)/fifty thousand dollars (per accident)/fifteen thousand dollars (for property damage). These policies shall be issued by an insurance company qualified to do business in the state and naming the metropolitan government as an additional insured. These policies shall provide for the minimum coverage amounts (set as described above) to apply to each entertainment transportation vehicle for liability imposed by law for damages on account of bodily injuries, death or personal damages, other than injuries, death or property damages of the company or driver, in any one accident resulting from the ownership, maintenance or use of such entertainment transportation vehicle. The certificate of insurance shall also list the serial number or identification number of each entertainment transportation vehicle that is insured.
3. Any insurance policy issued in compliance with this article shall remain in place at least through the length of the licensing, and for any entertainment transportation vehicle insured thereunder Such policies shall expressly provide that they may not be canceled, except after thirty days written notice to the commission director.

V. By amending Section 14 by deleting proposed Metropolitan Code of Laws Section 6.77.220, Subsection 8, as follows:

- ~~8. Not permit a passenger to stand or ride on any part of the entertainment transportation vehicle other than the designated seating area while the entertainment transportation vehicle is in motion and to advise the passengers that they must be seated except when loading or unloading.~~

VI. By amending Section 16 as follows:

Section 16. That Section 6.77.240 of the Metropolitan Code of Laws is hereby amended by deleting Subsections B and C in ~~its~~ their entirety and replacing ~~#~~ these subsections with the following Subsections B, C, and D:

- B. A certificate holder or entertainment transportation vehicle driver commits a violation of this chapter if he or she provides or stocks any beer, ale, wine, or other alcoholic beverage in the entertainment transportation vehicle, except to the extent otherwise permitted by the Beer Board.
- C. The consumption of beer, ale, wine, or other alcoholic beverages upon or within an entertainment transportation vehicle is strictly prohibited, except to the extent otherwise permitted by the MTLC and the Metropolitan Beer Board.
- D. It is unlawful for any person driving or in any way operating an entertainment transportation vehicle to knowingly allow a passenger or staff to consume alcoholic beverages in violation of Beer Board or MTLC rules and regulations. For purposes of this subsection, "knowingly

allow” means the person has actual notice of or, through reasonable due diligence, should know that a passenger is consuming an alcoholic beverage or beer upon or within the entertainment transportation vehicle.

VII. By amending Section 21 as follows:

Section 21. That Section 6.77.420 of the Metropolitan Code of Laws is hereby amended by deleting Subsection C and adding the following new Subsections C and D:

C. The MTLC shall have the authority to promulgate, implement, and enforce additional rules and regulations pertaining to entertainment transportation vehicles, provided such rules and regulations are consistent with the provisions of this chapter. In developing these rules and regulations, the MTLC shall ensure safety, traffic flow, and compliance with existing noise ordinances.

D. Using a permitted service vehicle to increase capacity shall be grounds for immediate suspension of the certificate holder’s permit. Use of a permitted service vehicle is limited to replacing an out of service permitted vehicle only.

VIII. By amending Section 22 as follows:

Section 22. That Section 7.24.040 of the Metropolitan Code of Laws is hereby amended by deleting Subsection C in its entirety. C.1.a and replacing it with the following:

~~An “Enclosed Vehicle” means any motor vehicle that is fully enclosed by metal, plexiglass, professionally installed operable vinyl windows, or glass on all sides and on the top/roof. Any vehicle not meeting this definition would constitute an “unenclosed vehicle.” A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle “side” must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, but all windows, excluding the driver compartment if separate from the passenger area, shall be fully closed while the vehicle is in operation with customers about and any passenger is in possession of an open container. Enclosed vehicles shall maintain any required emergency access or exists but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.~~

SPONSORED BY:

Burkley Allen

Zach Young
Members of Council