



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: BL2024-306 **Name:**

Type: Bill (Ordinance) **Status:** Passed

File created: 3/21/2024 **In control:** Metropolitan Council

On agenda: 5/7/2024 **Final action:** 5/7/2024

Title: An ordinance to designate a certain portion of 2nd Avenue North as a Tourism Improvement Zone and to grant the businesses that front thereon certain privileges.

Sponsors: Jacob Kupin, Delishia Porterfield, Erin Evans, Sean Parker, Tasha Ellis, Joy Styles, Quin Evans-Segall, Brenda Gadd

Indexes:

Code sections:

Attachments: 1. Exhibit, 2. Amendment No. 1 to BL2024-306

Date	Ver.	Action By	Action	Result
5/13/2024	1	Mayor	approved	
5/7/2024	1	Metropolitan Council	passed on third reading as amended	
4/16/2024	1	Metropolitan Council	passed on second reading	
4/16/2024	1	Public Health and Safety Committee	approved with an amendment	
4/15/2024	1	Transportation and Infrastructure Committee	approved	
4/15/2024	1	Budget and Finance Committee	approved	
4/2/2024	1	Metropolitan Council	passed on first reading	
3/26/2024	1	Metropolitan Council	filed	

An ordinance to designate a certain portion of 2nd Avenue North as a Tourism Improvement Zone and to grant the businesses that front thereon certain privileges.

WHEREAS, on December 25, 2020, the historic 2nd Avenue properties and the Nashville community experienced the tragedy of a bombing that will forever scar the hearts of Nashville; and,

WHEREAS, businesses along 2nd Avenue North have been significantly impacted during the period of construction, restoration, and rebuilding following that bombing (“the Project”); and,

WHEREAS, during the Project, the roadway will remain closed to vehicle traffic and create accessibility challenges for pedestrians and other users for at least a 22-month period; and,

WHEREAS, it is recognized that it is necessary to establish a tourism improvement zone for the area impacted by the bombing that will allow for a safe increase of pedestrian traffic, and therefore, the possibility of increased business for those impacted; and,

WHEREAS, to this end, it is necessary to establish temporary regulations and exceptions to Metro Code provisions for the period of time, and within the specified boundaries, designated in this ordinance.

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

Section 1. There is hereby established a "Tourism Improvement Zone" within the area described as follows:

The Tourism Improvement Zone shall run along 2nd Avenue North, and out to the edges of the boundaries of its right-of-way, from the southernmost boundary of the intersection of Union Street and 2nd Avenue North to the northernmost intersection of Broadway and 2nd Avenue North, and along Commerce Street, and out to the edges of the boundaries of its right-of-way, from the westernmost intersection of Commerce Street and 2nd Avenue North, running approximately 150 feet from that easternmost boundary of the right-of-way of 2nd Avenue North. An illustration of this area is attached hereto as Exhibit A.

Section 2. The Tourism Improvement Zone shall be in effect immediately upon passage of this ordinance until 11:59 p.m. on March 3, 2026, unless the Metropolitan Council extends this term by resolution.

Section 3. The Tourism Improvement Zone shall be closed to vehicular traffic, other than emergency vehicles, and except to the extent specifically permitted by the Metropolitan Nashville Police Department (MNPD) or the Nashville Department of Transportation and Multimodal Infrastructure (NDOT).

Section 4. Notwithstanding any other provision of the Metropolitan Code to the contrary, the activities described below on public property or in the public right-of-way, within the Tourism Improvement Zone, shall be regulated as follows:

1. Businesses that front along the Tourism Improvement Zone may sell their wares outdoors, immediately in front of their businesses, without a street vendor permit, and at no cost to such businesses. The location where the sale of such wares may occur shall be subject to the review and approval of NDOT.
2. Businesses that front along the Tourism Improvement Zone area may place wayfinding and advertising signs on the sidewalk, using A-frames, or other methods, within the Tourism Improvement Zone. The locations and construction of these signs shall be subject to the review and approval of NDOT to ensure the safe passage of pedestrians and other users.
3. Businesses that front along the Tourism Improvement Zone area may apply to NDOT, at no cost, to place banners on publicly-owned poles and structures within the Tourism Improvement Zone, pursuant to the provisions of Metropolitan Code subsections 2.62.050(A) and (B). The provisions of Metropolitan Code subsections 2.62.050(C) and (D) shall be suspended, with regard to such banner applications, within the Tourism Improvement Zone.
4. Outdoor amplification, including audio, video, and live performances, shall be allowed within the Tourism Improvement Zone, but must remain respectful to neighboring businesses and residents and comply with the decibel restrictions of the Metro Noise Ordinance (Metropolitan Code subsection 9.20.010(B)), and shall be subject to review and approval by the MNPD and NDOT for compliance with that Code subsection.
5. Businesses that serve food or beverages, and that front along the Tourism Improvement Zone, may apply to NDOT, at no cost, for permission to place an outdoor dining area within the Tourism Improvement Zone. The locations and site plans for such outdoor dining shall be subject to NDOT review and approval to assure the safe passage of pedestrians and other users.
6. Business that front along the Tourism Improvement Zone may utilize external lighting by projection, mounted string lights, or other methods, as approved by NDOT, within the Tourism Improvement Zone.
7. Notwithstanding any of the foregoing paragraphs, for public safety purposes, the MNPD and NDOT shall have authority to manage the placement of any person or object that creates an obstruction in the

public right-of-way within the Tourism Improvement Zone area.

Section 5. Nothing in this ordinance shall be construed as a repeal or suspension of any existing laws prohibiting or governing the issuance of permits outside of the Tourism Improvement Zone.

Section 6. If any of the provisions of this ordinance are, for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions, and those remaining portions shall be and remain in full force and effect.

Section 7. This ordinance shall take effect upon passage from and after its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring

Analysis

This ordinance establishes a Tourism Improvement Zone along a portion of Second Avenue North in Downtown Nashville.

The Tourism Improvement Zone (“TIZ”) would be in effect along Second Avenue North between Broadway and Union Street from the final passage of this ordinance until March 3, 2026, unless the term of the TIZ is extended by the Council by resolution.

The TIZ will be closed to vehicular traffic, except for emergency vehicles, to the extent provided by the Metropolitan Nashville Police Department (“MNP”) and the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”).

Within the TIZ, businesses that front along the TIZ area will be regulated as follows:

- Businesses may sell their wares outdoors immediately in front of their businesses without a street vendor permit, subject to the review and approval of NDOT;
- Businesses may place wayfinding and advertising signs on the sidewalk, using A-frames or other methods, subject to the review and approval of NDOT;
- Businesses may apply to NDOT to place banners on publicly-owned poles and structures, without the required fee or deposit;
- Outdoor amplification, including audio, video, and live performances, will be allowed, as long as the noise is respectful to neighboring businesses and residences and in compliance with the limitations of 85 decibels during business hours and 70 decibels outside of business hours, in compliance with Section 9.20.010(B) of the Metropolitan Code of Laws, subject to the review and approval of MNP and NDOT;
- Businesses that serve food and beverages may apply to NDOT for an outdoor dining area at no cost;
- Businesses may use external lighting by projection, mounted string lights, or other methods as approved by NDOT; and
- For public safety purposes, MNP and NDOT shall have the authority to manage the placement of any person or object that creates an obstruction in the public right-of-way within the TIZ.

Nothing in this ordinance is to be construed as a repeal or suspension of any existing laws outside of the TIZ.