



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** BL2022-1549      **Name:**

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

**File created:** 10/20/2022      **In control:** Planning and Zoning Committee

**On agenda:** 12/20/2022      **Final action:** 12/20/2022

**Title:** 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 and RS20 to SP zoning for property located at 3699 and 3671 Dickerson Pike, approximately 150 feet southeast of Bellshire Drive (13.71 acres), to permit a multi-family residential development, all of which is described herein (Proposal No. 2019SP-044-001).

**Sponsors:** Nancy VanReece

**Indexes:**

**Code sections:**

**Attachments:** 1. 2019SP-044-001\_sketch, 2. 2019SP-044-001\_plans

Date	Ver.	Action By	Action	Result
12/30/2022	1	Metropolitan Council	effective	
12/22/2022	1	Mayor	approved	
12/20/2022	1	Metropolitan Council	passed on third reading	
12/19/2022	1	Planning and Zoning Committee	approved	
12/6/2022	1	Metropolitan Council	passed on second reading	
12/6/2022	1	Metropolitan Council	public hearing	
11/4/2022	1	Metropolitan Council	advertised	
11/1/2022	1	Metropolitan Council	passed on first reading	
10/25/2022	1	Metropolitan Council	filed	
9/22/2022	1	Planning Commission	approved with conditions, disapproved without	Pass

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 and RS20 to SP zoning for property located at 3699 and 3671 Dickerson Pike, approximately 150 feet southeast of Bellshire Drive (13.71 acres), to permit a multi-family residential development, all of which is described herein (Proposal No. 2019SP-044-001).

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 and RS20 to SP-R zoning for property located at 3699 and 3671 Dickerson Pike, approximately 150 feet southeast of Bellshire Drive (13.71 acres), to permit a multi-family residential development, being Property Parcel No. 080 as designated on Map 041-00 and Property Parcel No. 135 on

Map 050-00 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 041 and Map 050 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 117 multi-family residential units. Short term rental properties, owner occupied, and short term rental properties, 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. Lot 4, WDC Sub., Map No. 050, Parcel 135 shall be included in the SP. The lot may be developed under the CS zoning standards and/or lot may be required to provide secondary access to development and shall be determined at final site plan review. No building permit shall be issued on lot until a final site plan has been approved.
2. Trees six inches or greater in caliper shall be preserved. Tree protection fencing shall extend outward at least ten feet from the dripline of any tree that is to be preserved. Damaged or unhealthy trees of six inches or greater in caliper may be removed with the approval of the Metro Urban Forester. A certified tree arborist shall provide an assessment report of any tree six inches or greater in caliper that is proposed to be removed to the Metro Urban Forester for review. A tree survey, protection plan and removal plan shall be required with the final site plan. The tree protection plan shall be from a certified tree arborist. Tree fencing shall be shown on the final site plan landscape plan and grading plan. Tree fencing shall extend at least five feet from the drip line.
3. Raised foundations that are more than six feet in height shall be screened with landscaping. Landscaping shall include vegetation that will grow to the height of the finished floor elevation (FFE).
4. The impervious surface ratio (ISR) shall be limited to 0.3.
5. Grading necessary to provide level building pads shall be prohibited, and all buildings shall be designed to work with existing grade.
6. Grading shall not result in sheer rock walls.
7. Sidewalks on private drives shall be required on only one side.
8. With the exception of walking paths/trails, conservation areas shall be mostly undisturbed.
9. If required by the Metro Traffic Engineer, a Traffic Impact Study (TIS), and or an access study shall be required with the final site plan. Any improvements required by the Metro Traffic Engineer shall be required.
10. 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.
11. 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.
12. 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 RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 9. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.