



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: BL2023-107

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

File created: 10/26/2023 **In control:** Planning and Zoning Committee

On agenda: 12/19/2023 **Final action:** 12/19/2023

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, A request to rezone from RS15 to SP zoning for properties located at 4315, 4317, and 4321 Cato Road, approximately 700 feet west of Eatons Creek Road (12.76 acres), to permit two two-family residential units and one single-family residential unit, for a total of five units, requested by 5001 Properties, LLC , applicant; 5001 Properties, LLC and Cody & Kristin Walker, owners. (12.76 acres), all of which is described herein (Proposal No. 2023SP-075-001).

Sponsors: Joy Smith Kimbrough

Indexes:

Code sections:

Attachments: 1. 2023SP-075-001_sketch_dt, 2. 2023SP-075-001 Plans_dt

Date	Ver.	Action By	Action	Result
12/29/2023	1	Metropolitan Council	effective	
12/21/2023	1	Mayor	approved	
12/19/2023	1	Metropolitan Council	passed on third reading	
12/18/2023	1	Planning and Zoning Committee	approved	
12/5/2023	1	Metropolitan Council	passed on second reading	
12/5/2023	1	Metropolitan Council	public hearing	
11/10/2023	1	Metropolitan Council	advertised	
11/7/2023	1	Metropolitan Council	passed on first reading	
10/31/2023	1	Metropolitan Council	filed	
10/26/2023	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, A request to rezone from RS15 to SP zoning for properties located at 4315, 4317, and 4321 Cato Road, approximately 700 feet west of Eatons Creek Road (12.76 acres), to permit two two-family residential units and one single-family residential unit, for a total of five units, requested by 5001 Properties, LLC , applicant; 5001 Properties, LLC and Cody & Kristin Walker, owners. (12.76 acres), all of which is described herein (Proposal No. 2023SP-075-001).

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:

A request to rezone from RS15 to SP zoning for properties located at 4315, 4317, and 4321 Cato Road, approximately 700 feet west of Eatons Creek Road (12.76 acres), to permit two two-family residential units and one single-family residential unit, for a total of five units, requested by 5001 Properties, LLC, applicant; 5001 Properties, LLC and Cody & Kristin Walker, owners., being Property Parcel Nos. 048, 048.01, 255 as designated on Map 058-00 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 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 058 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 2 two-family residential units and 1 single-family residential unit, for a total of 5 units. 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. A final plat shall be recorded prior to the issuance of building permits.
2. The regulatory SP shall be revised to indicate maximum height of 3 stories in 35 feet rather than 3 stories or 35 feet.
3. All residential units shall share access from a 15-foot access easement through parcel 255. Access shall be from Cato Road. No access to Briley Parkway shall be permitted.
4. The final plat and final site plan shall clearly identify all streams, ponds, and associated buffers and label them as "to remain undisturbed."
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 Homeowner's Association
6. The final site plan/building permit site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within any 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 any required sidewalk. Vertical obstructions are only permitted within any required grass strip or frontage zone.
7. 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.
8. 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.
9. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the Preliminary SP for review and approval.

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 RS15 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.