



**METROPOLITAN COUNCIL**

Member of Council

**PROPOSED AMENDMENTS  
FOR RESOLUTIONS AND  
ORDINANCES AND  
PROPOSED SUBSTITUTE  
ON FILE WITH THE  
METRO CLERK  
FOR THE COUNCIL MEETING OF  
TUESDAY, MARCH 15, 2016**

AMENDMENT NO. \_\_\_\_\_

TO

RESOLUTION NO. RS2015-76

Mr. President –

I move to amend Resolution Ordinance No. RS2016-76 as follows:

I. By deleting Section 2 in its entirety and re-numbering the remaining sections as necessary.

INTRODUCED BY:

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Jeremy Elrod  
Member of Council

AMENDMENT NO. \_\_\_\_\_

TO

RESOLUTION NO. RS2016-169

Mr. President –

I move to amend Resolution No. RS2016-169 as follows:

I. By deleting all references to “House Bill 2474” and to “HB 2474”, substituting therefore “House Bill 2147” and “HB 2147” respectively.

INTRODUCED BY:

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Davette Blalock  
Member of Council

## **SUBSTITUTE ORDINANCE NO. BL2016-108**

**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 RS10 to SP zoning for property located at 3312 John Mallette Drive, at the northeast corner of Manchester Avenue and John Mallette Drive (0.72 acres), to permit up to 8 attached residential units, all of which is described herein (Proposal No. 2015SP-108-001).**

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 RS10 to SP zoning for property located at 3312 John Mallette Drive, at the northeast corner of Manchester Avenue and John Mallette Drive (0.72 acres), to permit up to 8 attached residential units, being Property Parcel No. 035 as designated on Map 069-16 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 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 the uses of this SP shall be limited to a maximum of 8 multifamily residential units.

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

1. No structure shall be more than three stories and shall be limited to a maximum height of 35 feet, measured to the roofline. Building elevations for all street facing facades shall be provided with the final site plan. The following standards shall be met:
  - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing.
  - b. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers or egress windows.
  - c. EIFS, vinyl siding and untreated wood shall be prohibited.
  - d. Porches shall provide a minimum of six feet of depth.
  - e. A raised foundation of 18" - 36" is required for all residential structures.
2. A decorative fence shall be erected along the entirety of the eastern and northern borders of the property, constructed of wood to a minimum of four feet (4'0") in height.

3. 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.
4. 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.
5. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
6. 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.
7. Each unit will be furnished with one (1) 96 gallon refuse cart for trash collection and one (1) 96 gallon recycling cart for recycling collection, with dedicated space provided for each. No dumpsters shall be permitted on the property. The Metro Department of Public Works shall not be responsible for collection of refuse or recycling materials. Instead, collection of such shall be done through private contractor(s). Waste collection plans shall be documented within the master deed for the property filed with the Register of Deeds, and a copy shall be submitted to the Public Works Department. The refuse and recycling collections plans must be further documented in the Home Owners Association by-laws and must otherwise comply with Metro Solid Waste guidelines.

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 RM15-A 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.

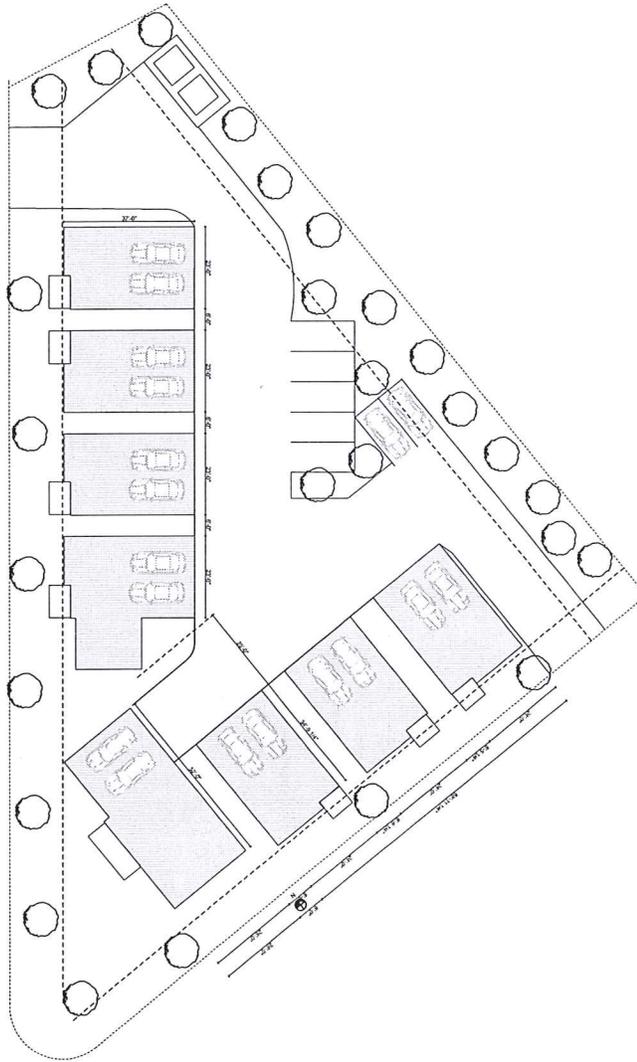
INTRODUCED BY:

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DeCosta Hastings  
Member of Council

[View Sketch](#)  
[View Site Plan](#)

2 1st FLOOR  
SCALE: 1/8" = 1'-0"



C1

SITE PLAN

PROJECT NO.: 15-119  
COPYRIGHT 2016  
QUIRK DESIGNS

DATE: 2/7/16  
REVISION:

Townhomes  
Trey Kirby  
John Mallette Dr @ Manchester  
Nashville, TN 37208

 QUIRK DESIGNS

201 BERRY HILL DRIVE  
SUITE 202  
NASHVILLE, TN 37204  
Phone: (615) 268-8243 Fax: (615) 627-1288  
email: [quirkdesigns@comcast.net](mailto:quirkdesigns@comcast.net)





AMENDMENT NO. \_\_\_\_\_

TO

ORDINANCE NO. BL2016-117

Mr. President:

I move to amend Ordinance No. BL2016-117 by deleting from Section 1 the reference to “Installment loan” which currently states:

“Installment loan” means any building, room, space or portion thereof where a loan is repaid over time with a set number of scheduled payments to a financial institution.

I further move to amend Ordinance No. BL2016-117 by deleting Section 2 in its entirety and substituting therefore the following:

SECTION 2. That Section 17.04.060 of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by deleting the final provision at the end of the definition of “financial institution” which currently reads:

“but excluding cash advance, check cashing, and title loan establishments.”

and replacing it with the following:

“but excluding cash advance, check cashing, title loan, and flex loan establishments.”

I further move to amend Ordinance No. BL2016-117 by deleting Section 3 and Section 4 in their entirety, and by re-numbering Section 5 and Section 6 as necessary.

INTRODUCED BY:

\_\_\_\_\_  
Jeff Syracuse  
Member of Council

AMENDMENT NO. \_\_\_\_\_

TO

ORDINANCE NO. BL2016-132

Mr. President –

I move to amend Ordinance No. BL2016-132 as follows:

I. By amending Section 1 by deleting it in its entirety and substituting therefore the following:

Section 1. That Section 17.04.060 of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by deleting the definition of “Financial Institution” and replacing with following definition:

"Financial institution" means any building, room, space or portion thereof where an establishment provides a variety of financial services, including generally, banks, credit unions, and mortgage companies, but excluding alternative financial services. A financial institution is open to the public within hours that do not exceed 8:00 a.m. to 6:00 p.m. Monday – Friday, and 8:00 a.m. to 1:00 p.m. on Saturday.

INTRODUCED BY:

\_\_\_\_\_  
Jeff Syracuse  
Member of Council

AMENDMENT NO. 1

TO

ORDINANCE NO. BL2016-147

Mr. President:

I move to amend Ordinance No. BL2016-147 as follows:

I. By amending Section 1 by adding the phrase “approved by the metropolitan council and” immediately following the phrase “blighted commercial property.” Whereupon, the amended version of Section 1 shall read in its entirety as follows:

Such grant funds shall be used for the sole purpose of constructing or rehabilitating the exterior portions of blighted commercial property approved by the metropolitan council and located within Eligible Census Tracts having a property value not to exceed one million dollars at the time the grant application is made to ECD based upon the appraised value of the property as determined by the Davidson County Property Tax Assessor and where the construction or rehabilitation investment exceeds one hundred thousand dollars. Eligible Census Tracts are those where at least 65% of households are at or below 80% AMI. The Mayor's Office of Economic and Community Development shall maintain, on file and open for inspection, a list and map of eligible census tracts to be updated annually.

INTRODUCED BY:

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Sam Coleman  
Member of Council

AMENDMENT NO. \_\_\_\_\_

TO

ORDINANCE NO. BL2016-149

Mr. President –

I move to amend Ordinance No. BL2016-149 as follows:

I. By deleting the first page of the letter attached as Exhibit 2 and substituting therefore the attached page which contains a housekeeping amendment to correct a clerical error in the property description.

INTRODUCED BY:

\_\_\_\_\_  
Member of Council

March 14, 2016

Metropolitan Government of Nashville  
And Davidson County, Tennessee  
Department of Parks and Recreation

RE: Approximately 1.26 Acres of Land: Capitol View  
Nashville, Davidson County, Tennessee

Dear Director Tommy Lynch:

This letter, upon its full execution and delivery, constitutes a letter of intent (the "Letter of Intent") between the Metropolitan Government of Nashville and Davidson County, Tennessee ("Metro") and Capitol View Joint Venture, a Tennessee general partnership ("CV"), to enter into an agreement ("Transfer Agreement") for the transfer and conveyance of the parcel(s) of land and all improvements (if any) situated thereon, comprising approximately 1.26 acres known as Tracts 12 and 13 in the Capitol View Development (See Exhibit A attached) which area is generally bounded by Gay Street to the South, and Jo Johnston Street to the North and bisected by 10<sup>th</sup> Avenue North, Nashville, Davidson County, Tennessee (the "Property"), subject to the following proposed business terms and conditions as generally outlined below:

1. Transfer Price: Metro will make a contribution of Nine Hundred and Ninety Thousand and No/100 Dollars (\$990,000.00) to CV which funds will be used to construct infrastructure improvements including water and sewer improvements and right of way improvements in 11<sup>th</sup> Avenue North for the benefit of the Capitol View Development and surrounding land owners.
2. Allocation of the Cost of Infrastructure Improvements: CV is responsible for completing certain infrastructure improvements within the Capitol View Development. Property owners benefitting from these Infrastructure Improvements are responsible for their respective share of the costs based on equitable allocation metrics, including acreage, street frontage, utility runs, etc.
3. Council Approval: This transfer is subject to the approval of the Metropolitan Council of Nashville and Davidson County, Tennessee (the "Council"). Metro will submit an ordinance or resolution to the Council on February 5, 2016. Provided the Council approves the proposed transfer, Metro will pay CV the funds described herein within thirty (30) business days of the Council's approval of the transfer.
4. Closing: The transfer of the Property shall take place simultaneously with CV's completion of the infrastructure improvements and Metro's final payment to CV pursuant to the terms and conditions of the Participation Agreement entered into by and between Metro and CV.
5. Closing Costs/Prorations: At Closing, real estate taxes, utilities, water and sewer, rents (if any), and other income or expense items will be apportioned as of the closing date. Metro shall pay the costs associated with the transfer of the Property. Metro and CV shall each pay its own legal fees

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Page 1 of 1

AMENDMENT NO. \_\_\_\_\_

TO

ORDINANCE NO. BL2016-149

Mr. President:

I move to amend Ordinance No. BL2016-149 by deleting Section 1 in its entirety and substituting therefore the following:

SECTION 1. The participation agreement between the Metropolitan Government and Capitol View, to construct specific public infrastructure improvements as described in Exhibit 1, attached hereto and incorporated herein by reference, is approved subject to a limitation of \$2,500,000.00 upon the total payments to be made by the Metropolitan Government of Nashville & Davidson County, set forth within section III thereof; and the Director of Water and Sewer Services, or his designee, and the Director of Public Works, or his designee, are authorized to execute the same.

I further move to amend Ordinance No. BL2016-149 by deleting Section 2 in its entirety and substituting therefore the following:

SECTION 2. The Metropolitan Government will contribute two million five hundred thousand dollars (\$2,500,000.00) to assist in funding the construction and installation of the public infrastructure improvements.

I further move to amend Ordinance No. BL2016-149 by adding a new Section 3 as set forth below, and re-numbering the remaining sections as necessary.

SECTION 3. The contribution of two million five hundred thousand dollars (\$2,500,000.00) to assist in funding the construction and installation of the public infrastructure improvements, as set forth in Section 2, shall be contingent upon the donation by Capitol View of 1.26 acres known as Tracts 12 and 13 in the Capitol View Development, generally bounded by Gay Street to the South, and Jo Johnston Street to the North and bisected by 10th Avenue North, Nashville, Davidson County, Tennessee ("Parcel") to the Metropolitan Government of Nashville & Davidson County.

INTRODUCED BY:

\_\_\_\_\_  
John Cooper  
Member of Council

**AMENDMENT NO. \_\_\_\_\_**

**TO**

**ORDINANCE NO. BL2016-158**

Mr. President –

I move to amend Ordinance No. BL2016-158 as follows:

I. By deleting Section 1 in its entirety and re-numbering the remaining sections as necessary.

INTRODUCED BY:

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Jim Shulman  
Member of Council

AMENDMENT NO. \_\_\_\_\_

TO

ORDINANCE NO. BL2016-160

Mr. President –

I move to amend Ordinance No. BL2016-160 as follows:

I. By amending Section 1 by deleting it in its entirety and substituting therefore the following:

Section 1. That Section 7.08.090 A. of the Metropolitan Code is hereby amended by adding, immediately after the fifth sentence which ends: “regardless of any change of ownership.”, the following additional provision:

“Provided however, the distance requirements provided herein shall not be applicable to establishments which are: (a) located within the urban services district; (b) selling beer for on-premises consumption only; and (c) separated by a state or federal highway consisting of no less than four lanes of traffic excluding parking lanes, from all churches, schools or its playgrounds, parks, licensed day care centers or nursery schools or its playgrounds, or dwellings for one or two families that are otherwise less than one hundred feet from such establishments.”

INTRODUCED BY:

\_\_\_\_\_  
Colby Sledge  
Member of Council

AMENDMENT NO. \_\_\_\_\_

TO

ORDINANCE NO. BL2016-161

Mr. President –

I move to amend Ordinance No. BL2016-161 as follows:

I. By adding the following sentence at the end of Section 1:

The requirement to reserve weekend dates shall expire December 31, 2017.

II. By adding the following sentence at the end of Section 2:

However, before a weekend date is reserved, an eligible gun show vendor must notify the Metropolitan Board of Fair Commissioners, at least six (6) months in advance, of the vendor's request to conduct a gun show on the weekend date(s) in question. The requirement to reserve weekend dates shall expire December 31, 2017.

III. By adding a new Section 3 as recited below, renumbering the remaining sections as necessary.

Section 3. During all gun shows scheduled during reserved weekend dates, the gun show vendor(s) shall operate pursuant to all lawful regulations, rules, requirements, terms and conditions promulgated by the Metropolitan Board of Fair Commissioners.

INTRODUCED BY:

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Jeremy Elrod  
Member of Council

Amendment No. 1

To

Ordinance No. BL2016-165

Mr. President:

I move to amend Ordinance No. BL2016-165 as follows:

1. By adding the word "Martin" after the word "Abbott" in the first recital clause.
2. By adding the word "Martin" after the word "Abbott" in Section 1.

Introduced By:

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Mina Johnson  
Member of Council