METROPOLITAN COUNCIL

Metro Council Office

PROPOSED AMENDMENTS AND SUBSTITUTES TO ORDINANCES TO BE FILED WITH THE METRO CLERK FOR THE COUNCIL MEETING OF TUESDAY, SEPTEMBER 6, 2016

102 Metropolitan Courthouse Nashville, Tennessee 37201 615/862-6780 Fax 615/862-6784

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-133

Mr. President –

I move to amend Ordinance No. BL2016-133 as follows:

I. By amending Section 1 by deleting proposed sub-section 17.40.820.A and substituting therefore the following:

17.40.820 Sunset provisions.

A. The provisions of Article XVII (Inclusionary Housing) shall expire and be null and void as of December 31, 2019 unless extended by resolution of the metropolitan council. This provision, commonly known as a "sunset provision," is included to ensure that the effectiveness and necessity of this section is reviewed by the metropolitan council after its adoption.

INTRODUCED BY:

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Burkley Allen
Member of Council

AMENDMENT NO. _____

TO

SUBSTITUTE ORDINANCE NO. BL2016-133

Mr. President –

I move to amend Substitute Ordinance No. BL2016-133 as follows:

I. By amending Section 7 by deleting it in its entirety and substituting therefore the following:

> Section 7. Be it further enacted that this ordinance take effect six (6) months from and 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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Member of Council

AMENDMENT NO. _____

TO

SUBSTITUTE ORDINANCE NO. BL2016-133

Mr. President –

I move to amend Substitute Ordinance No. BL2016-133 as follows:

I. By amending Section 7 by deleting it in its entirety and substituting therefore the following:

> Section 7. Be it further enacted that this ordinance take effect nine (9) months from and 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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Member of Council

SECOND SUBSTITUTE ORDINANCE NO. BL2016-133

An ordinance to amend various sections of Title 17 of the Metropolitan Zoning Code to incentivize Inclusionary Housing with any residential development that seeks additional development entitlements beyond that permitted by the current base zoning district. (Proposal No. 2016Z-001TX-001)

WHEREAS, the Metropolitan Government of Nashville and Davidson County has undertaken a Inclusionary Housing Feasibility and Market Study (the Study); and

WHEREAS, the Study found that there has been cost appreciation and housing turnover in central areas of the city; and

WHEREAS, the Study found that 24% of homeowners in the city are cost-burdened and 46% of renters in the city are cost-burdened; and

WHEREAS, cost appreciation and housing turnover in central areas can lead to the displacement of cost-burdened households and gentrification; and

WHEREAS, 29% of all 2015 home sales in Nashville and Davidson County were affordable to a buyer earning 80% AMI for a 2.5 person household; and

WHEREAS, much of the housing affordable to 80% AMI is outside of the central areas, with poor access to jobs, transit and services; and

WHEREAS, affordable and workforce housing is a primary concern of the citizens of Nashville and Davidson County, as it continues to be a major barrier to economic progress for many in Nashville; and

WHEREAS, increasing the supply of affordable and workforce housing supports economic growth and is an important tool in reducing poverty in Davidson County.

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

Section 1. That Chapter 17.40 (Administration and Procedures) of the Metropolitan Code is hereby amended by inserting the following Article XVII (Inclusionary Housing):

17.40.780 Purpose and Applicability of Inclusionary Housing Provisions

A. Purpose. The purposes of this Section are to promote the public health, safety and welfare by increasing the production of Inclusionary Housing units to meet existing and anticipated housing and employment needs; mitigating the impacts of increasing housing cost and provide housing affordable to low and moderate income households; providing for a range of housing choices throughout the city to avoid the concentration of poverty;

and to provide a mechanism by which residential development can contribute in a direct way to increasing the supply of affordable and workforce housing in exchange for additional development entitlements other than those otherwise permitted as a matter of right.

B. Applicability.

1. When additional residential development entitlements are gained through an amendment to the official zoning map or when public resources or property is provided for a residential development, the rental residential units shall be subject to the provisions of this Section as long as adequate financial incentives from the Metropolitan Government of Nashville and Davidson County are available. On projects where a funding cap limits the financial incentives available to less than the value calculated based on the difference between the market rate rent and the selected workforce rent, the set aside may be adjusted annually to align the needed incentive with the funding available. A property owner or developer with for-sale residential units may participate in the incentives of this Section.
2. For residential uses, developments fewer than five units are exempt. For the purposes of this subsection, "development" shall include any residential or mixed use development at one or more adjoining sites with common ownership or under common control, within a period of five years from the first date of the issuance of a building permit for construction.
3. Inclusionary Housing shall not be provided and no financial incentives shall be granted if the average unit sale price or rental rate is less than, or within 5% above 100% Median Household Income (MHI) market prices or rental rates for Nashville and Davidson County and the Inclusionary Housing Plan demonstrates that the census tract average market rate prices or average rental rates for comparable units are affordable to a household at 100% MHI.

17.40.790 Requirements for Inclusionary Housing

A. Construction. The set aside for affordable or workforce housing shall be:

	Rental at 60% MHI or less	Rental at Greater than 60% MHI to 80% MHI	Rental at Greater than 80% MHI to 100% MHI (available in the UZO only)	For-sale at Greater than 60% MHI to 80% MHI	For-sale at Greater than 80% MHI to 100% MHI (available in the UZO only)
Single-family and Two-family uses	12.5% of total residential units	15% of total residential units	17.5% of total residential units	10% of total residential units	15% of total residential units

Multi-family uses less than 3 stories	12.5% of total residential floor area	15% of total residential floor area	17.5% of total residential floor area	10% of total residential floor area	15% of total residential floor area
Multifamily uses (3 to 6 stories)	10% of total residential floor area	12.5% of total residential floor area	15% of total residential floor area	n/a	n/a
Multifamily uses (≥ 7 stories)	7.5% of total residential floor area	10% of total residential floor area	12.5% of total residential floor area	n/a	n/a
The Office of Economic Opportunity and Empowerment with assistance from the Finance Department may approve a mixture of MHI levels, provided the mixture is equivalent to the set asides above. The equivalency of the mixture of MHI levels and the approval shall be documented in the Inclusionary Housing Plan. For the purposes of this Article, the residential floor area shall be the net leasable residential floor area.					

B. In lieu Construction.

1. In lieu of meeting the Inclusionary Housing incentives on site, construction at the same rates included in subsection A of this section may be provided within the following distances from the development that is providing Inclusionary Housing:
    i. One (1) mile along the corridor, if the development that is providing Inclusionary Housing is on a Multimodal Corridor designated in the Major and Collector Street Plan, excluding Expressways, Freeways and Ramps.
    ii. A half mile (½) mile, if the development that is providing Inclusionary Housing is not on a Multimodal Corridor designated in the Major and Collector Street Plan, excluding Expressways, Freeways and Ramps.
    iii. In lieu construction shall not be permitted at an alternate location if the Inclusionary Housing Plan demonstrates that the alternate location's census tract market rate prices or rental rates for comparable units are affordable to a household at 100%MHI.

2. Use & Occupancy permits for the affordable and/or workforce units shall be issued prior to the issuance of any Use & Occupancy permit for principal project.

C. In lieu Contribution. There is hereby established a Housing Incentives Fund to be maintained as an administrative account by the Finance Department for the purpose of funding the incentives grant program. In lieu of meeting the Inclusionary Housing

incentives for rental units on site, prior to the issuance of building permits, an in lieu contribution may be provided to the Housing Incentives Fund as follows:

Within the UZO	Outside of the UZO
Per square foot equivalent of 50% of the affordable sales price at 100% MHI for Davidson County 12.5% of the total residential floor area in a rental project.	Per square foot equivalent of 50% of the affordable sales price at 80% MHI for Davidson County 10% of the total residential floor area in a rental project.
The affordable sales price shall be determined by the Office of Economic Opportunity and Empowerment with assistance from the Finance Department annually based on: a. A maximum down payment of 5.0%, b. Current Year MHI thresholds adjusted for household size published by HUD, c. Prior six-month average rate of interest based on the Fannie Mae Yield on 30-year mortgage commitments (price at par) plus one-half point (0.5%) spread, d. 30-year mortgage term, e. Any homeowner fees, taxes and insurance, and f. Typical unit size.	

17.40.800 Standards for Construction and Occupancy of Affordable and/or Workforce Housing.

A. With the building permit application, the Owner/Developer shall submit an Inclusionary Housing Plan, which documents the following:
   1. Number of total residential units provided under the site plan.
   2. Whether the development uses public resources or public property.
   3. Number of affordable or workforce housing units provided.
   4. Income levels of targeted families for affordable or workforce housing units.
   5. The proposed rents or sales prices and guarantee of limits on future rent increases or sales prices.
   6. Location of affordable or workforce housing units.
   7. Sizes of affordable or workforce housing units.
   8. Bedroom counts of affordable or workforce housing units.
   9. Market rate pricing or rental rates for comparable units within the census tract for the project site and, if applicable, the in lieu site.
   10. The party responsible for compliance reports, with approval from the Office of Economic Opportunity and Empowerment with assistance from the Finance Department.

B. To ensure livability, Inclusionary Housing units shall be at least 80% of the average size of market rate units and the breakdown of bedroom counts of Inclusionary Housing units shall be similar to the breakdown of bedroom counts for the market rate units in the project. After the Inclusionary Housing square footage is allocated

according to the distribution of market rate units, any remaining square footage too small for construction of a unit shall utilize the in lieu contribution option.

C. Exteriors of Inclusionary Housing units shall closely resemble the exteriors of other units in a project.

D. The owner shall ensure to the satisfaction of the Metropolitan Government that the Inclusionary Housing units will:
   1. be occupied by eligible households.
   2. be maintained as rental Inclusionary Housing units for a minimum of 15 years from the date of initial occupancy and/or be maintained as for-sale Inclusionary Housing unit for 30 years from the date of initial occupancy.

17.40.810 Enforcement.

A. Prior to the issuance of the first building permit, all Standards for Construction and Occupancy shall be documented on the building permit plans.

B. Prior to the issuance of the Use & Occupancy permit, all Standards for Construction and Occupancy shall be satisfied and documentation provided to the Codes Department.

C. During the applicable period, the owner, developer or designee shall provide a compliance report to the Office of Economic Opportunity and Empowerment in the form and manner determined by the Office of Economic Opportunity and Empowerment with assistance from the Finance Department. The party responsible for compliance reports shall be approved by the Office of Economic Opportunity and Empowerment and noted Inclusionary Housing Plan. For for-sale developments, individual owners are not permitted to be the party responsible for compliance reports.

17.40.820 Sunset provisions.

A. The provisions of Article XVII (Inclusionary Housing) shall expire and be null and void as of December 31, 2019. This provision, commonly known as a "sunset provision," is included to ensure that the effectiveness and necessity of this section is reviewed by the metropolitan council after its adoption.
B. Two (2) years after its passage, the Planning Department shall conduct a study of the impact of Article XVII (Inclusionary Housing) and related incentives. This study shall include an assessment of the economic impact, impact on affordable housing and whether the incentives should be recalibrated. The study shall be delivered to the Metropolitan Council no later than six (6) months before the sunset date.

Section 2. That Section 17.36.090 (Development bonuses.) of the Metropolitan Code is hereby amended by deleting the subsection B.

Section 3. That Chapter 17.37 (Downtown Code (DTC) of the Metropolitan Code is hereby amended by deleting pages 93, 96 and 99 and replacing with pages 93, 96 and 99 in the attached Exhibit A.

Section 4. That Chapter 17.40 of the Metropolitan Code is hereby amended by inserting the following Section 17.40.055 (Inclusionary Housing Incentive):

> As an incentive to encourage developers and property owners to meet the affordable and workforce housing goals set forth in this Title, all proposed residential development that seeks to increase development entitlements beyond that permitted by the current base zoning district shall comply with Section 17.40.780 (Inclusionary Housing).

Section 5. That Section 17.40.105 (Specific plan—Purpose and intent.) of the Metropolitan Code is hereby amended by deleting the last sentence and inserting the following as the last sentence:

> The specific plan cannot vary Section 17.40.055 (Inclusionary Housing Incentive) and must comply with the building, fire and life safety codes adopted by the metropolitan government.

Section 6. That Chapter 17.10 of the Metropolitan Code is hereby deleted.

Section 7. That any appropriately filed application that complies with all existing filing requirements and that is filed prior to the effective date of this ordinance shall not be subject to the provisions of this ordinance, however a developer and/or property owner may participate in the incentives of this Section.

Section 8. Be it further enacted that following passage, this ordinance shall take on October 1, 2016 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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Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-257

Mr. President –

I move to amend Ordinance No. BL2016-257 as follows:

I. By amending Section 2 by deleting it in its entirety and substituting therefore the following:

Section 2. That Chapter 6.28 of the Metropolitan Code of Laws be and the same is hereby amended by deleting the provisions of subsection 6.28.030.R.6 and substituting in lieu thereof the following new subsection 6.28.030.R.6:

6. The penalty for operating a short term rental property without a permit shall be:

a. A fifty dollar fine as imposed by a court of competent jurisdiction. Each day of operation without a permit shall constitute a separate offense.

b. Upon a finding by the Board of Zoning Appeals that a short term rental property has operated without a permit, there shall be a waiting period of up to one year from the date of such finding for the property to become eligible for a STRP permit, as determined by the BZA. Properties that have been denied a permit by the Board of Zoning Appeals and made subject to the one (1) year waiting period prior to October 4, 2016 may re-appeal to the Board of Zoning Appeals with no payment of an appeal fee. The length of the waiting period shall be based upon whether the operator was aware or unaware of the requirement that the STRP have a permit. Evidence to be evaluated in making this decision may include but is not limited to:

1) the testimony of the STRP operator;
2) the testimony of neighbors or others with knowledge of the STRP operation;
3) evidence that the operator was informed of the requirement and disregarded this information;
4) evidence that the operator had looked into requirements and misunderstood them;
5) prior or repeat offenses by the operator under this section; and
6) whether the operator, upon being informed of the requirement, obtained or attempted to obtain a permit before renting the STRP again.

b. Upon a finding of a court of competent jurisdiction that a short term rental property has operated without a permit, in addition to any other relief granted, there shall be a waiting period of three years from the date of such finding for the property to become eligible for a STRP permit.

c. Only properties that have paid all taxes due shall be eligible to apply for a permit.

INTRODUCED BY:

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Colby Sledge

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Burkley Allen
Members of Council

SUBSTITUTE ORDINANCE NO. BL2016-298

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 CN, CS, OR20, RS10, OL and RS5 to RM20-A and R6-A zoning for various properties located along Kingston Street, Queen Avenue, Duke Street, Prince Avenue, and Sultana Avenue (37.88 acres), all of which is described herein (Proposal No. 2016Z-052PR-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 CN, CS, OR20, RS10, OL and RS5 to RM20-A and R6-A zoning for various properties located along Kingston Street, Queen Avenue, Duke Street, Prince Avenue, and Sultana Avenue (37.88 acres), being various Property Parcel Nos. as designated on various Maps 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 various maps 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.

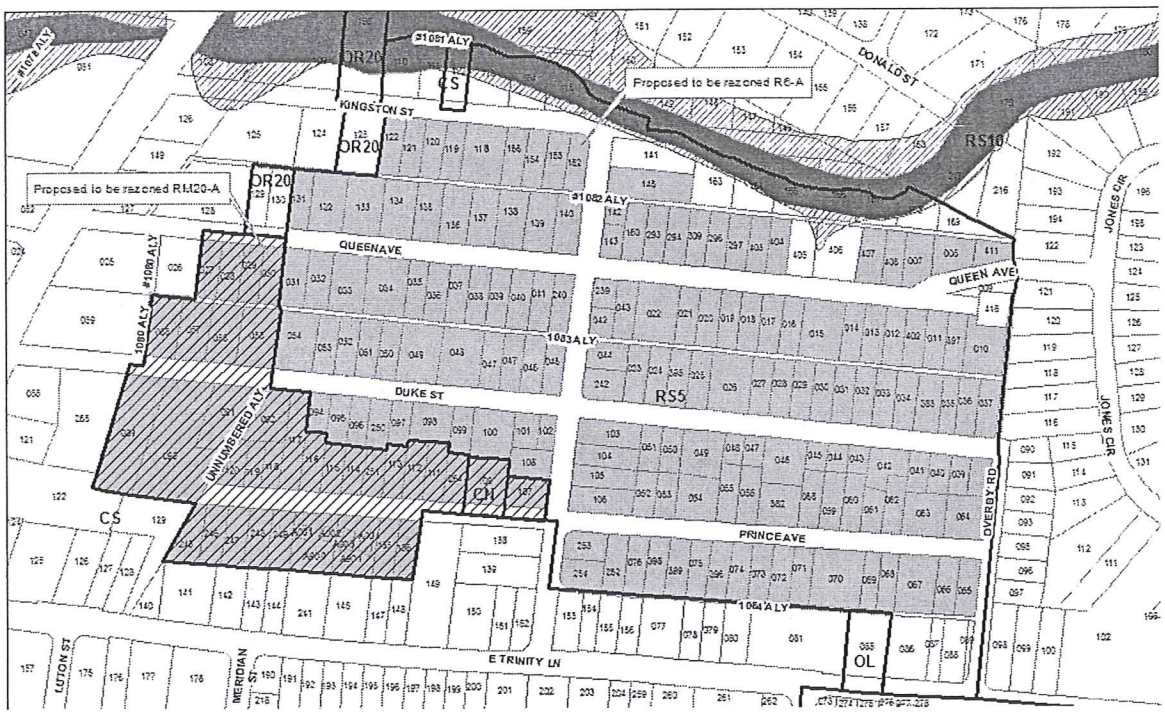
Section 3. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Councilmember Scott Davis

2016Z-052PR-001
Map 071-03, Parcel(s) 118-122, 131-143, 145, 152-155
Map 071-04, Parcel(s) 160, 293, 294, 296, 297, 309
Map 071-07, Parcel(s) 047.01, 027-058, 089-092, 094-109, 111-120, 133-136, 239, 240, 242, 245-254, 264
Map 071-08, Parcel(s) 007-008, 010-056, 058-076, 382, 383, 395-399, 402-408, 411
Subarea 05, East Nashville
District 05 (S. Davis)

A request to rezone from CN, CS, OR20, RS10, OL and RS5 to RM20-A and R6-A zoning for various properties located along Kingston Street, Queen Avenue, Duke Street, Prince Avenue, and Sultana Avenue (37.88 acres), requested by Councilmember Scott Davis, applicant; various property owners.



STANPAR	Owner	PropHous	PropStreet	PropCity	PropS	PropZip
071070A00100CO	BLACKWELL, JOHN S.	210	PRINCE AVE	NASHVILLE	TN	37207
071070A00200CO	BLACKWELL, JOHN S.	212	PRINCE AVE	NASHVILLE	TN	37207
071070A00300CO	BLACKWELL, JOHN S.	214	PRINCE AVE	NASHVILLE	TN	37207
071070A00400CO	BLACKWELL, JOHN S.	216	PRINCE AVE	NASHVILLE	TN	37207
071070A90000CO	O.I.C. PRINCE AVENUE TOWNHOMES	212	PRINCE AVE	NASHVILLE	TN	37207
071070A90100CO	O.I.C. PRINCE AVENUE TOWNHOMES	216	PRINCE AVE	NASHVILLE	TN	37207
07104016000	REYES, JUAN PABLO	303	QUEEN AVE	NASHVILLE	TN	37207
07104029300	HARVEY, BYRON KEITH	309	QUEEN AVE	NASHVILLE	TN	37207
07104029400	DOWELL, JOYLISA M. B. & BROWN, PATSY	313	QUEEN AVE	NASHVILLE	TN	37207
07104029600	REYES, MARIA FRANCISCA	321	QUEEN AVE	NASHVILLE	TN	37207
07104029700	LINDSEY, TED L.& ABNEY, TOM O.	325	QUEEN AVE	NASHVILLE	TN	37207
07104030900	COUNTS, CLEOPHIUS, JR. ET UX	317	QUEEN AVE	NASHVILLE	TN	37207
07103011800	KINGSTON STREET TRUST	126	KINGSTON ST	NASHVILLE	TN	37207
07103011900	BASHIR, MARWA	124	KINGSTON ST	NASHVILLE	TN	37207
07103012000	WILKES, TERRY E. & JANET H.	122	KINGSTON ST	NASHVILLE	TN	37207
07103012100	2405 ASSOCIATES	120	KINGSTON ST	NASHVILLE	TN	37207
07103012200	2405 ASSOCIATES	118	KINGSTON ST	NASHVILLE	TN	37207
07103013100	HERNANDEZ, ROBERTO	201	QUEEN AVE	NASHVILLE	TN	37207
07103013200	YOUNT, JOE STANTIFER	203	QUEEN AVE	NASHVILLE	TN	37207
07103013300	MORENO, DENNIS K.	205	QUEEN AVE	NASHVILLE	TN	37207
07103013400	MURPHY, LARRY D. ET UX	207	QUEEN AVE	NASHVILLE	TN	37207
07103013500	GRAY, BETINA	209	QUEEN AVE	NASHVILLE	TN	37207
07103013600	HARRISON, FRANK K.	211	QUEEN AVE	NASHVILLE	TN	37207
07103013700	BUTLER, CAROL & MURPHY, DENA L.	213	QUEEN AVE	NASHVILLE	TN	37207
07103013800	MOUNTAIN TOP INVESTMENTS, LLC	215	QUEEN AVE	NASHVILLE	TN	37207
07103013900	HOLT, M. DEWAYNE	217	QUEEN AVE	NASHVILLE	TN	37207
07103014000	WEBB, RONALD B.& ANNA MARIE	219	QUEEN AVE	NASHVILLE	TN	37207
07103014200	FRIENDSHIP HOMES, INC.	2205	SULTANA AVE	NASHVILLE	TN	37207
07103014300	FRIENDSHIP HOMES, INC.	301	QUEEN AVE	NASHVILLE	TN	37207
07103014500	DUNDON, PATRICK	2209	SULTANA AVE	NASHVILLE	TN	37207
07103015200	BARNES, MARY A. & CAROLYN M.	136	KINGSTON ST	NASHVILLE	TN	37207
07103015300	MCCUISTON, GEORGE M. & VICTORIA	134	KINGSTON ST	NASHVILLE	TN	37207
07103015400	BROWN, WILLIAM III	132	KINGSTON ST	NASHVILLE	TN	37207
07103015500	HERNANDEZ, EDILBERTO	130	KINGSTON ST	NASHVILLE	TN	37207
07107013500	HAVARD, ANNE G.	218	PRINCE AVE	NASHVILLE	TN	37207

07107013600	GARCIA, CESAR GARICA	220	PRINCE AVE	NASHVILLE	TN	37207
07107023900	HODGE, EDNA ETAL	300	QUEEN AVE	NASHVILLE	TN	37207
07107024000	REYES, PEDRO	222	QUEEN AVE	NASHVILLE	TN	37207
07108038200	JH1, LLC	315	PRINCE AVE	NASHVILLE	TN	37207
07108038300	KSRW, LLC	331	DUKE ST	NASHVILLE	TN	37207
07107024200	VAZQUEZ, LILY MUNIZ & NICHOLAS	301	DUKE ST	NASHVILLE	TN	37207
07107024500	SHAFFER, RICHARD W.,JR.& MARCIA D.,TRS.	200	PRINCE AVE	NASHVILLE	TN	37207
07107024600	HOLT, CHRISTINE	202	PRINCE AVE	NASHVILLE	TN	37207
07107024700	HYDE, EUNICE JUNIOR	204	PRINCE AVE	NASHVILLE	TN	37207
07107024800	ROSTON, AARON & MEADOWS, ELIZABETH	206	PRINCE AVE	NASHVILLE	TN	37207
07107024900	ROSTON, AARON & MEADOWS, ELIZABETH	208	PRINCE AVE	NASHVILLE	TN	37207
07107025000	SHAFFER, RICHARD W., JR. ET UX	210	DUKE ST	NASHVILLE	TN	37207
07107025100	SHAFFER, RICHARD W.,JR.& MARCIA D.,TRS.	215	PRINCE AVE	NASHVILLE	TN	37207
07107025200	MILLER, DAVID E., II	300	PRINCE AVE	NASHVILLE	TN	37207
07107025300	MILLER, DAVID E., II	2009	SULTANA AVE	NASHVILLE	TN	37207
07107025400	MORTON, RONALD W.	2007	SULTANA AVE	NASHVILLE	TN	37207
07108039500	MCDONALD, CHARLES D., III & HILLARY S.	311	DUKE ST	NASHVILLE	TN	37207
07108039600	MASTERY INVESTORS GROUP, LLC	308	PRINCE AVE	NASHVILLE	TN	37207
07108039700	CITIMORTGAGE INC.	334	QUEEN AVE	NASHVILLE	TN	37207
07108039800	CHAVEZ, SONIA	304	PRINCE AVE	NASHVILLE	TN	37207
07108039900	TIGEYBEAR PROPERTIES, LLC	306	PRINCE AVE	NASHVILLE	TN	37207
07108040200	CARTER, RODERICK D.	328	QUEEN AVE	NASHVILLE	TN	37207
07108040300	MACIAS, ADRIAN & REYES, CECILIA	329	QUEEN AVE	NASHVILLE	TN	37207
07108040400	BROWN, JOYCE	333	QUEEN AVE	NASHVILLE	TN	37207
07108040700	JORDON, MARCUS B., SR. ET UX	349	QUEEN AVE	NASHVILLE	TN	37207
07108040800	REID, KENNETH S.	353	QUEEN AVE	NASHVILLE	TN	37207
07108041100	BROWN, BEVERLY M.	361	QUEEN AVE	NASHVILLE	TN	37207
07107026400	ROSS, GLEN & GERTHA	227	PRINCE AVE	NASHVILLE	TN	37207
07108000700	SEGURA PROPERTIES, LLC	357	QUEEN AVE	NASHVILLE	TN	37207
07108000800	PHOMMASENH, KHAMPHY & SIVANH	359	QUEEN AVE	NASHVILLE	TN	37207
07108001000	PHILLIPS, LAWRENCE & REBECCA	338	QUEEN AVE	NASHVILLE	TN	37207
07108001100	WHITWORTH, MICHAEL D. & STACI E. & DAVID	332	QUEEN AVE	NASHVILLE	TN	37207
07108001200	GUY, COURTNEY	326	QUEEN AVE	NASHVILLE	TN	37207
07108001300	MAYFIELD, VERA KAY & RAYBURN F.	324	QUEEN AVE	NASHVILLE	TN	37207
07108001400	OLD REPUBLIC 1031 EXCHANGE CO FBO TSUNG V	322	QUEEN AVE	NASHVILLE	TN	37207
07108001500	ALEXANDER, VICKI	320	QUEEN AVE	NASHVILLE	TN	37207

07108001600	HOLLIMAN, ALBERT L. ET UX	318	QUEEN AVE	NASHVILLE	TN	37207
07108001700	OWEN, GARY & PATRICIA	316	QUEEN AVE	NASHVILLE	TN	37207
07108001800	MOORE, JAMES H. & DOROTHY A.	314	QUEEN AVE	NASHVILLE	TN	37207
07108001900	TERRY, MICHAEL D.	312	QUEEN AVE	NASHVILLE	TN	37207
07108002000	BOHLI, MATTHEW W. & WILLIAM H. & JOANNE E	310	QUEEN AVE	NASHVILLE	TN	37207
07108002100	GENNETTE, LINDA	308	QUEEN AVE	NASHVILLE	TN	37207
07108002200	BOCKMAN, JEREMY	306	QUEEN AVE	NASHVILLE	TN	37207
07108002300	CATHEY, DAVID GRANT & ANGELA A.	305	DUKE ST	NASHVILLE	TN	37207
07108002400	SPRAKER, ELDON, III	309	DUKE ST	NASHVILLE	TN	37207
07108002500	MCDONALD, CHARLES D. III & HILLARY S.	313	DUKE ST	NASHVILLE	TN	37207
07108002600	STOCKARD, EDMOND	315	DUKE ST	NASHVILLE	TN	37207
07108002700	D225, LLC	317	DUKE ST	NASHVILLE	TN	37207
07108002800	GARRISON BAUGH UNLIMITED, LLC	319	DUKE ST	NASHVILLE	TN	37207
07108002900	STACKHOUSE, RYAN LEE REVOCABLE TRUST, THE	321	DUKE ST	NASHVILLE	TN	37207
07108003000	URBANGATE DEVELOPMENT GROUP, LLC	323	DUKE ST	NASHVILLE	TN	37207
07108003100	URBANGATE DEVELOPMENT GROUP, LLC	325	DUKE ST	NASHVILLE	TN	37207
07108003200	D222, LLC	327	DUKE ST	NASHVILLE	TN	37207
07108003300	BAUGHER, WILLIAM L.	329	DUKE ST	NASHVILLE	TN	37207
07108003400	MILAM, JENNIFER	329	DUKE ST	NASHVILLE	TN	37207
07108003500	HACKNEY, BENNIE & WAYNE & LINDA	333	DUKE ST	NASHVILLE	TN	37207
07108003600	SPRAKER, ELDON R.	335	DUKE ST	NASHVILLE	TN	37207
07108003700	MCCLURE, EDDIE LIN	337	DUKE ST	NASHVILLE	TN	37207
07108003800	D224, LLC	338	DUKE ST	NASHVILLE	TN	37207
07108003900	D224, LLC	336	DUKE ST	NASHVILLE	TN	37207
07108004000	MOORHEAD, SEAN T. & AMANDA C.	334	DUKE ST	NASHVILLE	TN	37207
07108004100	MOTHERSHIP VENTURES, LLC	332	DUKE ST	NASHVILLE	TN	37207
07108004200	WEBB, BRYAN L.	326	DUKE ST	NASHVILLE	TN	37207
07108004300	D222, LLC	0	DUKE ST	NASHVILLE	TN	37207
07108004400	D222, LLC	322	DUKE ST	NASHVILLE	TN	37207
07108004500	D222, LLC	320	DUKE ST	NASHVILLE	TN	37207
07108004600	PHIMMASAENG, KHAMPHA & PHAT	318	DUKE ST	NASHVILLE	TN	37207
07108004700	REINA, JUAN	318	DUKE ST	NASHVILLE	TN	37207
07108004800	PRESLEY, INETTA	316	DUKE ST	NASHVILLE	TN	37207
07108004900	PRESLEY, INETTA J.	314	DUKE ST	NASHVILLE	TN	37207

07108005000	MITCHELL, BENJAMIN S. & ANN	308	DUKE ST	NASHVILLE	TN	37207
07108005100	MITCHELL, BENJAMIN S. & ANN	308	DUKE ST	NASHVILLE	TN	37207
07108005200	TUNE, ROY LEE ETUX	303	PRINCE AVE	NASHVILLE	TN	37207
07108005300	SPRAKER, ELDON, III	305	PRINCE AVE	NASHVILLE	TN	37207
07108005400	D222, LLC	307	PRINCE AVE	NASHVILLE	TN	37207
07108005500	D222, LLC	309	PRINCE AVE	NASHVILLE	TN	37207
07108005600	PATTERSON, ROY A.,SR.& JUNE H.,TRS.ETAL	313	PRINCE AVE	NASHVILLE	TN	37207
07108005800	D222, LLC	0	PRINCE AVE	NASHVILLE	TN	37207
07108005900	D222, LLC	0	PRINCE AVE	NASHVILLE	TN	37207
07108006000	D222, LLC	0	PRINCE AVE	NASHVILLE	TN	37207
07108006100	PATTERSON, ROY A.,SR.& JUNE H.,TRS. ETAL	319	PRINCE AVE	NASHVILLE	TN	37207
07108006200	HAWK, DONALD J.	321	PRINCE AVE	NASHVILLE	TN	37207
07108006300	URBAN PROPERTIES, LLC	325	PRINCE AVE	NASHVILLE	TN	37207
07108006400	SPRAKER, ELDON, III	327	PRINCE AVE	NASHVILLE	TN	37207
07108006500	ST.THERESA HOLINESS SCIENCE ORGANIZATION	328	PRINCE AVE	NASHVILLE	TN	37207
07108006600	ST.THERESA HOLINESS SCIENCE ORGANIZATION	326	PRINCE AVE	NASHVILLE	TN	37207
07108006700	ST.THERESA HOLINESS SCIENCE ORGANIZATION	324	PRINCE AVE	NASHVILLE	TN	37207
07108006800	METRO GOV'T M MISC	0	PRINCE AVE	NASHVILLE	TN	37207
07108006900	THORPE, MIKE	320	PRINCE AVE	NASHVILLE	TN	37207
07108007000	THORPE, MIKE	318	PRINCE AVE	NASHVILLE	TN	37207
07108007100	DEMONBREUN, CARL W.& STEVENSON, RICKY O.	314	PRINCE AVE	NASHVILLE	TN	37207
07108007200	DOBBS, ROBERT TAYLOR	314	PRINCE AVE	NASHVILLE	TN	37207
07108007300	MCKEEVER, REGINALD	312	PRINCE AVE	NASHVILLE	TN	37207
07108007400	VANCE, WARDELL	310	PRINCE AVE	NASHVILLE	TN	37207
07108007500	MASTERY INVESTORS GROUP, LLC	308	PRINCE AVE	NASHVILLE	TN	37207
07108007600	BLACKWELL, JOHN & REMUS, NELSON	302	PRINCE AVE	NASHVILLE	TN	37207
07107002700	SPRAKER, ELDON R., III	192	QUEEN AVE	NASHVILLE	TN	37207
07107002800	VOLUNTEER STATE PROPERTIES, LLC	194	QUEEN AVE	NASHVILLE	TN	37207
07107002900	MIRES, WILLIAM T., JR.	196	QUEEN AVE	NASHVILLE	TN	37207
07107003000	DEVLIN, BRANDON	198	QUEEN AVE	NASHVILLE	TN	37207
07107003100	MILLER, JAMES T.	200	QUEEN AVE	NASHVILLE	TN	37207
07107003200	HAYS, ASHLEY M.	202	QUEEN AVE	NASHVILLE	TN	37207
07107003300	PATTON, HOWARD W. ETUX	204	QUEEN AVE	NASHVILLE	TN	37207
07107003400	O'NEILL, MICHAEL W.	206	QUEEN AVE	NASHVILLE	TN	37207

07107003500	JENKINS, JAMITHIA	208	QUEEN AVE	NASHVILLE	TN	37207
07107003600	WATSON, JIMMY	210	QUEEN AVE	NASHVILLE	TN	37207
07107003700	ROBERTSON, EDDIE J.	212	QUEEN AVE	NASHVILLE	TN	37207
07107003800	WYATT, JOEL	214	QUEEN AVE	NASHVILLE	TN	37207
07107003900	YORK, WILLIAM PATRICK II	216	QUEEN AVE	NASHVILLE	TN	37207
07107004000	DAVIS, CHARLES	218	QUEEN AVE	NASHVILLE	TN	37207
07107004100	DAVIS, CHARLES P.	220	QUEEN AVE	NASHVILLE	TN	37207
07107004200	ADS OF SOUTH FLORIDA, LLC	2109	SULTANA AVE	NASHVILLE	TN	37207
07107004300	BAGGETT, RONNA L.	304	QUEEN AVE	NASHVILLE	TN	37207
07107004400	ENFIELD PROPERTIES, LLC	2105	SULTANA AVE	NASHVILLE	TN	37207
07107004500	ILLUMINATE PROPERTIES, INC.	227	DUKE ST	NASHVILLE	TN	37207
07107004600	COONS, SANDRA FAYE	225	DUKE ST	NASHVILLE	TN	37207
07107004700	COLE, JERRY LEE, II	221	DUKE ST	NASHVILLE	TN	37207
07107004701	CLOUSE, TONY R. & WHEELER, SUZANNE	223	DUKE ST	NASHVILLE	TN	37207
07107004800	SEXTON, TERESA	217	DUKE ST	NASHVILLE	TN	37207
07107004900	SALEM BAPTIST CHURCH TRS.	213	DUKE ST	NASHVILLE	TN	37207
07107005000	YOUNG, ELIZABETH	211	DUKE ST	NASHVILLE	TN	37207
07107005100	CROSSLIN, CARL JOHN JR., & LINDA	209	DUKE ST	NASHVILLE	TN	37207
07107005200	HAJIAGHA, HESSAMEDIN MOHAMMADKHAH	207	DUKE ST	NASHVILLE	TN	37207
07107005300	CLOUSE, TONY R.	205	DUKE ST	NASHVILLE	TN	37207
07107005400	JDL PROPERTIES, LLC	203	DUKE ST	NASHVILLE	TN	37207
07107005500	MEADOWS, CLAUDE MACK & ROBERT WAYNE	201	DUKE ST	NASHVILLE	TN	37207
07107005600	AMELL, NOEL A.	109	DUKE ST	NASHVILLE	TN	37207
07107005700	ALLEN, FRANK ARNOLD, JR. & LEE GORDON	107	DUKE ST	NASHVILLE	TN	37207
07107005800	ALLEN, FRANK ARNOLD, JR. & LEE GORDON	105	DUKE ST	NASHVILLE	TN	37207
07107008900	HAUERSPERGER, DEVIN	106	DUKE ST	NASHVILLE	TN	37207
07107009000	SCHOTTLAND, MARK J. & JOHN R.	110	DUKE ST	NASHVILLE	TN	37207
07107009100	CORNERSTONE MISSIONARY BAPTIST CHURCH	114	DUKE ST	NASHVILLE	TN	37207
07107009200	WILLIAMS, SHERRIE D.	202	DUKE ST	NASHVILLE	TN	37207
07107009400	MCKNIGHT, ELMER D. & FREIDA L.	206	DUKE ST	NASHVILLE	TN	37207
07107009500	CLOUSE, TONY R.	208	DUKE ST	NASHVILLE	TN	37207
07107009600	SHAFFER, RICHARD W.,JR.& MARCIA D.,TRS.	210	DUKE ST	NASHVILLE	TN	37207
07107009700	CRAIGHEAD, CHARLOTTE	212	DUKE ST	NASHVILLE	TN	37207
07107009800	SIMMONS, NANCY	216	DUKE ST	NASHVILLE	TN	37207

07107009900	SMITH, JANICE H.	218	DUKE ST	NASHVILLE	TN	37207
07107010000	PENA, MANUEL JUAN & LOPEZ, LILIANA CHAVARI	220	DUKE ST	NASHVILLE	TN	37207
07107010100	HOLLAND, COREY J.	224	DUKE ST	NASHVILLE	TN	37207
07107010200	SCHOENENBERGER, KARL & MARIKA	226	DUKE ST	NASHVILLE	TN	37207
07107010300	SHAFFER, RICHARD W.,JR.& MARCIA D.,TRS.	2017	SULTANA AVE	NASHVILLE	TN	37207
07107010400	MILLER, DAVID E., II	2015	SULTANA AVE	NASHVILLE	TN	37207
07107010500	MILLER, DAVID E., II	2013	SULTANA AVE	NASHVILLE	TN	37207
07107010600	TUNE, CAROLYN MILLER	2011	SULTANA AVE	NASHVILLE	TN	37207
07107010700	BOOTH, JAMES	2012	SULTANA AVE	NASHVILLE	TN	37207
07107010800	PINKSTON, RAYMOND E.	2014	SULTANA AVE	NASHVILLE	TN	37207
07107010900	WINDROW, BAMBI T.	231	PRINCE AVE	NASHVILLE	TN	37207
07107011100	TBC DEVELOPMENT, LLC	219	PRINCE AVE	NASHVILLE	TN	37207
07107011200	TBC DEVELOPMENT, LLC	219	PRINCE AVE	NASHVILLE	TN	37207
07107011300	WILLIAMS, RODNEY, ADRIANNE	217	PRINCE AVE	NASHVILLE	TN	37207
07107011400	PATTERSON, ROY A.& JUNE H. ET AL	215	PRINCE AVE	NASHVILLE	TN	37207
07107011500	CLOUSE, TONY R.	0	PRINCE AVE	NASHVILLE	TN	37207
07107011600	PHILLIPS, C. LAWRENCE ET UX	209	PRINCE AVE	NASHVILLE	TN	37207
07107011700	M. D. H. A.	207	PRINCE AVE	NASHVILLE	TN	37207
07107011800	O'MALLEY, ROBERT A. REVOCABLE TRUST	205	PRINCE AVE	NASHVILLE	TN	37207
07107011900	MUSSER, MARK	203	PRINCE AVE	NASHVILLE	TN	37207
07107012000	SMITH, JERRY N. & MARY LOUISE	201	PRINCE AVE	NASHVILLE	TN	37207

AMENDMENT NO.____

TO

ORDINANCE NO. BL2016-325

Mr. President –

I move to amend Ordinance No. BL2016-325 as follows:

I. By amending Section 3 by deleting it in its entirety and substituting therefore the following:

Section 3. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. The connection between Eagle View Boulevard and Baby Ruth Lane shall be shown on the final site plan and shall be constructed with the first phase.
2. A greenway easement shall be provided along the stream that bisects the site consistent with Metro Greenway standards. The final site plan shall include the easement and shall be approved by Metro Greenways prior to final site plan approval.
3. Eagle View Boulevard shall be designed with a landscaped median; however, turn lanes with appropriate storage are permitted at locations approved by Metro Public Works and Metro Planning and shall be determined with the final site plan.
4. Eagle View Boulevard and Baby Ruth Lane shall provide ROW, sidewalks and planting strips per the Major and Collector Street Plan.
5. 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.
6. 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.
7. If the UDO final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
8. The mixed use development shall consist of a maximum of 476 residential units, including a maximum of 42 single family detached cottage homes (building type F), 2 buildings restricted in use to a seniors-only assisted living facility with no more than 200 beds total, 324 multi-family units (consisting of building types A, D, and E) with building types D and E restricted to 55-and-older senior living community, and a community education facility for 800 students.
9. To confirm satisfaction of the criteria restricting the above-referenced facility to age 55 and above, a deed restriction shall be filed with the Davidson County Register of Deeds requiring that the property be so restricted.
10. Architectural standards: Vinyl siding is prohibited. EIFS is prohibited on all ground level facades which front a public way. Changes in material should occur horizontally on facades or where two masses meet. Construct buildings of high quality building materials that require little maintenance in order to demonstrate

sustained quality and a sense of permanence. Brick and/or hardiplank material shall be used and subjected to further review with the final site plan.

11. Fencing/Screening/Landscaping: Refuse collection, recycling and mechanical equipment shall be enclosed for a senior living, stacked flats, assisted living community. Enclosures shall be constructed of opaque-type materials such as architectural masonry or brick that is compatible with the aesthetics of the surrounding area, or a landscaped screen on three sides.

12. All utilities shall be underground. Utility poles and overhead wires are prohibited.

13. Raised table intersections shall be used to slow traffic and to highlight pedestrian crossings in front of the school. Concrete approaches shall slightly ramp up to integrally colored concrete.

14. The connection between Eagle View Boulevard and Baby Ruth Lane extension will include a roundabout on the internal roadway from Bell Road to Baby Ruth Lane, shall be shown on the final site plan, shall be constructed in the first phase, and shall open on or before the school opening.

15. Sidewalks will be constructed on from the intersection of Mt. View Road and Baby Ruth Lane to Eagle View Boulevard in the first phase prior to school opening.

16. A traffic impact study shall be conducted on Baby Ruth Lane and Eagle View Boulevard prior to phase II development to determine additional traffic calming needs.

II. By amending Section 4 by adding the following sentence at the end thereof:

Significant deviations or changes from these conditions, design standards or plan shall require reapproval by the Planning Commission and Metropolitan Council.

INTRODUCED BY:

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Jacobia Dowell
Member of Council

AMENDMENT __2__

To

ORDINANCE NO. BL2016-342

Mr. President-

I move to amend Ordinance No. BL2016-342 by deleting Section 1 in its entirety and replacing it with the following:

Section 1. Title 2 of the Metropolitan Code is hereby amended by adding the following new Chapter 2.213 – Affordable and Workforce Housing Incentive Grants.

2.213.010 Definitions.

As used in this Chapter:

"Affordable housing" means housing that, on an annual basis, costs thirty percent (30%) or less than the estimated median household income for households earning sixty percent (60%) or less than the median household income for Davidson County based on the number of persons in the household, as established by the "Median Household Income in the Past 12 Months by Household Size" from the most recently available United States Census Bureau American Community Survey.

"ECD" means the mayor's office of economic and community development.

"Household" means all people who occupy a housing unit regardless of relationship. A household may consist of a family, a person living alone, or unrelated individuals living together, provided that no more than three unrelated persons shall occupy the same dwelling unit. In order to be counted as an eligible household for purposes of affordable and/or workforce housing incentive grants, the total household income shall not exceed the median household income for the applicable affordable or workforce income category as defined in this section.

"OEOE" means the mayor's office of economic opportunity and empowerment (OEOE).

"Qualified developer" means a developer of affordable and/or workforce housing that the metropolitan government determines is willing and able to increase the affordable and/or workforce housing stock within Nashville and Davidson County.

"Third party entity" means an entity providing administrative services to the metropolitan government to assist in the management of the housing program.

"Urban Zoning Overlay (UZO)" means the urban zoning overlay district established pursuant to Article XII of Chapter 17.36 of the metropolitan zoning code.

"Workforce housing" means housing that, on an annual basis, costs thirty percent (30%) or less than the estimated median household income for households earning more than sixty percent (60%) and not in excess of one hundred twenty percent (120%) of the median household income for Davidson County based on the number of persons in the household, as established by the "Median Household Income in the Past 12 Months by Household Size" from the most recently available United States Census Bureau American Community Survey.

2.213.020 Incentive grants for new units.

A. The metropolitan government may make incentive grants to qualified developers to assist with the development of new affordable and/or workforce housing within the boundaries of the metropolitan government. Incentive grants may be made both for rental developments and owner-occupied units. Such grant funds shall be disbursed on a reimbursement basis.

1. Rental developments. Owners/developers of new construction rental developments, including developments under construction at the time of application, within the UZO or along a multimodal corridor designated in the Major and Collector Street Plan, excluding Expressways, Freeways, and Ramps may apply for a workforce and/or affordable housing incentive grant. The amount of the incentive grant will be the difference between the average rent for an occupied unrestricted rental housing unit and the average rent for an occupied affordable or workforce housing unit multiplied by the number of occupied affordable or workforce housing rental units for the duration that housing rental units remain affordable or workforce housing. The average rent for an occupied unrestricted rental housing unit will be calculated on a square footage basis using the rental charged for the three unrestricted units within the same development that are most comparable to each individual affordable or workforce housing unit. For purposes of this section, "average rent" includes all ancillary fees charged to all tenants of the development, including parking fees, application fees, association fees, and charges for amenities.
2. Owner-occupied units. The amount of the incentive grant will be a one-time payment of $10,000 per unit for properties located outside of the urban zoning overlay (UZO) district, and $20,000 per unit for properties located within the UZO or along a multimodal corridor designated in the Major and Collector Street Plan, excluding Expressways, Freeways, and Ramps. All grants for owner-occupied units shall be conditioned upon the recording of deed restrictions with the Register of Deeds ensuring the units remain designated for affordable and/or workforce housing for the duration provided in the grant agreement. The form of the deed restrictions shall be established in the grant agreement.

B. The amount of a grant to any one qualified developer of affordable or workforce housing rental units shall not exceed fifty (50) percent of the difference between the annual post-development and pre-development real property ad valorem tax assessment for the calendar year for which an incentive grant is applicable. In the event that the cap is exceeded for developments, the Director of Finance will take corrective action in consultation with the Mayor's Office of Economic Opportunity & Advancement, and the grantee, in accordance with the written policies and procedures.

2.213.030 Standards for Construction and Occupancy of Affordable and/or Workforce Housing

A. To ensure livability, the breakdown of bedroom counts of affordable or workforce housing units shall be similar to the breakdown of bedroom counts for the market rate units in the project.

B. Exteriors of the affordable and/or workforce housing units shall closely resemble the exteriors of other units within the development, and shall use similar construction materials.

2.213.040 Incentive grants for the optional conversion of existing rental units.

Owners of existing rental housing developments shall be eligible for an annual incentive grant if they voluntarily convert market-based rental units to affordable or workforce housing units. Owners of existing affordable and/or workforce rental housing units shall also be eligible to receive an incentive grant if they agree to continue to maintain such units as affordable and/or workforce housing units. The amount of the incentive grant will be the difference between the average rent for an occupied unrestricted rental housing unit and the average rent for an occupied affordable or workforce housing unit multiplied by the number of occupied affordable or workforce housing rental units for the duration that housing rental units remain affordable or workforce housing. The average rent for an occupied unrestricted rental housing unit will be calculated on a square footage basis using the rental charged for comparable unrestricted units within the same census tract that are most comparable to each individual affordable or workforce housing unit, as determined by OEOE. In no event shall the amount of the annual grant be greater than twenty percent (20%) of the real property ad valorem tax assessment for the calendar year for which an incentive grant is applicable.

2.213.050 Administration of grant program.

A. The affordable and workforce housing grant program shall be administered by OEOE, with assistance from ECD, the finance department, the department of codes administration, and the planning department.

B. The director of finance and OEOE shall have the authority and responsibility to develop written policies, procedures, rules, and/or regulations to implement this chapter, including the procurement of a third party entity. Such policies shall include the factors to be considered in determining whether a developer is a qualified developer and a mechanism for grantees to request monthly grant payments. Any substantial changes to such policies will be submitted to Council within 30 days of effective date.

C. Incentive grants may be awarded to a qualified developer for either affordable or workforce housing units, or both, provided OEOE shall take reasonable measures to ensure an equitable distribution of grant funds for both affordable and workforce housing.

D. Any grant made in accordance with the provisions of this section will be memorialized by an agreement between the metropolitan government and the qualified developer, which shall be approved by the metropolitan council by resolution. The maximum term for an incentive grant awarded pursuant to this chapter for rental units shall be fifteen (15) years. All owner-occupied units for which one-time incentive grant payments have been made shall be maintained as for-sale affordable/workforce housing for thirty (30) years from the date of initial occupancy. For new developments, the grant agreements shall be finalized prior to a building permit being issued.

E. All grants awarded pursuant to this chapter shall be approved by the director of the OEOE, metropolitan director of finance, and the metropolitan director of law.

2.213.060 Annual certification.

A. Not later than February 15 of each year, the grantee shall submit an annual certification to the OEOE and the finance department for review and submittal to the department of finance and OEOE covering the previous calendar year. The annual certification shall include at a minimum for each occupied affordable and/or workforce housing rental unit:
   1. The number of months and partial months the unit was occupied;
   2. The Median Household Income level applicable to the unit;
   3. The rent charged for the unit; and
   4. The market value rent of the unit calculated based on the three closest comparable units on a square footage basis.

B. The annual certification shall also include the total number of occupied affordable and/or workforce housing units in the development compared to the total number of affordable and/or workforce housing units required pursuant to the grant agreement. The annual certification shall also compare the total grant payments for all occupied affordable and/or workforce housing units and the maximum annual grant allowable for the calendar year.

C. The annual certification shall include a certification from the chief executive officer of the grantee that the information is true, correct and complete and that each occupied affordable and/or workforce housing rental unit was occupied by an eligible household.

D. The annual certification shall be accompanied by an examination conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants conducted by a reputable and licensed independent accountant giving an opinion that the amount of the incentive being requested represents, in all material respects, the incentive grant payment owed in conformity with the grant agreement. The independent accountant shall examine, on a test basis, documentation supporting the eligibility of the occupants of the affordable and/or workforce housing units. Additional reporting requirements may be specified in each grant agreement.

E. In the event that a grantee receives an over- or underpayment of the grant, reimbursements to and from the city will be due by July 31st of that year. The incentive grant payment shall be remitted to the developer monthly by the finance department through the third party entity.

2.213.070 Cap on total amount of grant awards.

Beginning with fiscal year 2017-2018, the annual amount of all grants awarded pursuant to this chapter including related administrative costs in the aggregate shall not exceed two million dollars ($2,000,000). The amount budgeted annually will be based upon estimates of subsequent year awards and subject to the maximum set forth in this section. The director of finance and the director of the OEOE shall review the incentive grant program on an annual basis to determine whether the demand for grant funds significantly exceeds the amount of the cap, and shall make a recommendation to the metropolitan council regarding whether the amount of the cap should be adjusted. Any adjustments to the amount of the cap shall be approved by the council by resolution prior to becoming effective.

2.213.080 Noncompliance.

In the event a grantee fails to provide the number of affordable and/or workforce units required for the specified grant term pursuant to the grant agreement, the director of finance shall have the authority to require the grantee to repay the metropolitan government for all grant funds disbursed for affordable and/or workforce housing units in accordance with the provisions of the grant agreement. The director of finance shall have the authority to pursue all other remedies at law or in equity to ensure the availability of the affordable and/or workforce housing units required under the grant agreement.

2.213.090 Grants subject to funding availability.

All agreements for affordable and/or workforce housing incentive grants to be funded by the metropolitan government shall expressly provide that the metropolitan government's financial obligations thereunder are conditioned upon the appropriation of funds by the metropolitan council. The metropolitan government shall have no obligation to make an affordable and/or workforce housing incentive grant if adequate funds are not available. If an incentive grant payment is not made as a result of lack of funding pursuant to this section, the grantee shall be relieved from the obligation to maintain the required number of affordable and/or workforce housing units.

2.213.100 Sunset provision.

The provisions of this chapter shall expire and be null and void three years after its enactment ("sunset date") unless extended by resolution of the metropolitan council. This provision, commonly known as a "sunset provision," is included to ensure that the effectiveness and necessity of this chapter is reviewed by the metropolitan council after its adoption. If the provisions of this chapter are not extended by resolution of the metropolitan council before the sunset date, no incentive grants shall be awarded after the sunset date. This sunset provision shall not operate to terminate any existing grant agreement in effect on the sunset date, except for a lack of available funds in accordance with Section 2.213.090.

Introduced by:

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Member of Council

AMENDMENT __3__

To

ORDINANCE NO. BL2016-342

Mr. President-

I move to amend Ordinance No. BL2016-342 by deleting Section 1 in its entirety and replacing it with the following:

Section 1. Title 2 of the Metropolitan Code is hereby amended by adding the following new Chapter 2.213 – Affordable and Workforce Housing Incentive Grants.

2.213.010 Definitions.

As used in this Chapter:

"Affordable housing" means housing that, on an annual basis, costs thirty percent (30%) or less than the estimated median household income for households earning sixty percent (60%) or less than the median household income for Davidson County based on the number of persons in the household, as established by the "Median Household Income in the Past 12 Months by Household Size" from the most recently available United States Census Bureau American Community Survey.

"ECD" means the mayor's office of economic and community development.

"Household" means all people who occupy a housing unit regardless of relationship. A household may consist of a family, a person living alone, or unrelated individuals living together, provided that no more than three unrelated persons shall occupy the same dwelling unit. In order to be counted as an eligible household for purposes of affordable and/or workforce housing incentive grants, the total household income shall not exceed the median household income for the applicable affordable or workforce income category as defined in this section.

"OEOE" means the mayor's office of economic opportunity and empowerment (OEOE).

"Qualified developer" means a developer of affordable and/or workforce housing that the metropolitan government determines is willing and able to increase the affordable and/or workforce housing stock within Nashville and Davidson County.

"Third party entity" means an entity providing administrative services to the metropolitan government to assist in the management of the housing program.

"Urban Zoning Overlay (UZO)" means the urban zoning overlay district established pursuant to Article XII of Chapter 17.36 of the metropolitan zoning code.

"Workforce housing" means housing that, on an annual basis, costs thirty percent (30%) or less than the estimated median household income for households earning more than sixty percent (60%) and not in excess of one hundred twenty percent (120%) of the median household income for Davidson County based on the number of persons in the household, as established by the "Median Household Income in the Past 12 Months by Household Size" from the most recently available United States Census Bureau American Community Survey.

2.213.020 Incentive grants for new units.

A. The metropolitan government may make incentive grants to qualified developers to assist with the development of new affordable and/or workforce housing within the boundaries of the metropolitan government. Incentive grants may be made both for rental developments and owner-occupied units. Such grant funds shall be disbursed on a monthly basis.

1. Rental developments. Owners/developers of new construction rental developments, including developments under construction at the time of application, within the UZO or along a multimodal corridor designated in the Major and Collector Street Plan, excluding Expressways, Freeways, and Ramps may apply for a workforce and/or affordable housing incentive grant. The amount of the incentive grant will be the difference between the average rent for an occupied unrestricted rental housing unit and the average rent for an occupied affordable or workforce housing unit multiplied by the number of occupied affordable or workforce housing rental units for the duration that housing rental units remain affordable or workforce housing. The average rent for an occupied unrestricted rental housing unit will be calculated on a square footage basis using the rent charged for the three unrestricted units within the same development that are most comparable to each individual affordable or workforce housing unit. For purposes of this section, "average rent" includes all ancillary fees charged to all tenants of the development, including parking fees, application fees, association fees, and charges for amenities.
2. Owner-occupied units. The amount of the incentive grant will be a one-time payment of $10,000 per unit for properties located outside of the urban zoning overlay (UZO) district, and $20,000 per unit for properties located within the UZO or along a multimodal corridor designated in the Major and Collector Street Plan, excluding Expressways, Freeways, and Ramps. All grants for owner-occupied units shall be conditioned upon the recording of deed restrictions with the Register of Deeds ensuring the units remain designated for affordable and/or workforce housing for the duration provided in the grant agreement. The form of the deed restrictions shall be established in the grant agreement.

B. The maximum amount of a grant to any one qualified developer of affordable or workforce housing rental units shall not exceed fifty (50) percent of the difference between the annual post-development and pre-development real property ad valorem tax assessment for the calendar year for which an incentive grant is applicable. In the event that grant payments for any calendar year exceed the maximum amount, the director of finance, in consultation with OEOE and the grantee, is authorized to take corrective action in accordance with the written policies and procedures.

2.213.030 Standards for Occupancy and Construction of Affordable and/or Workforce Housing

A. To ensure livability, the calculation of bedrooms per affordable or workforce housing units shall be similar to the calculation of bedrooms per market rate units in the project.

B. Exteriors of the affordable and/or workforce housing units shall closely resemble the exteriors of other units within the development, and shall use similar construction materials.

2.213.040 Incentive grants for the optional conversion of existing rental units.

Owners of existing rental housing developments shall be eligible for an annual incentive grant if they voluntarily convert market-based rental units to affordable or workforce housing units. Owners of existing affordable and/or workforce rental housing units shall also be eligible to receive an incentive grant if they agree to continue to maintain such units as affordable and/or workforce housing units. The amount of the incentive grant will be the difference between the average rent for an occupied unrestricted rental housing unit and the average rent for an occupied affordable or workforce housing unit multiplied by the number of occupied affordable or workforce housing rental units for the duration that housing rental units remain affordable or workforce housing. The average rent for an occupied unrestricted rental housing unit will be calculated on a square footage basis using the rent charged for comparable unrestricted units within the same census tract that are most comparable to each individual affordable or workforce housing unit, as determined by OEOE. In no event shall the amount of the annual grant be greater than twenty percent (20%) of the real property ad valorem tax assessment for the calendar year for which an incentive grant is applicable.

2.213.050 Administration of grant program.

A. The affordable and workforce housing grant program shall be administered by OEOE, with assistance from ECD, the finance department, the department of codes administration, and the planning department.

B. The OEOE may procure the services of a third party entity to assist with administration of the grant program.

C. The director of finance and the director of OEOE shall have the authority and responsibility to develop written policies, procedures, rules, and/or regulations to implement this chapter. Such policies shall include the factors to be considered in determining whether a developer is a qualified developer and a mechanism for grantees to request monthly grant payments. Such policies shall be effective upon filing with the metropolitan clerk. Any amendments or modifications to such policies shall be effective upon filing with the metropolitan clerk, with a copy provided to the metropolitan council office.

D. Incentive grants may be awarded to a qualified developer for either affordable or workforce housing units, or both, provided OEOE shall take reasonable measures to ensure an equitable distribution of grant funds for both affordable and workforce housing.

E. Any grant made in accordance with the provisions of this section will be memorialized by an agreement between the metropolitan government and the qualified developer, which shall be approved by the metropolitan council by resolution. The maximum term for an incentive grant awarded pursuant to this chapter for rental units shall be fifteen (15) years. All owner-occupied units for which one-time incentive grant payments have been

made shall be maintained as for-sale affordable/workforce housing for thirty (30) years from the date of initial occupancy. For new developments, the grant agreements shall be finalized prior to a building permit being issued.

F. All grants awarded pursuant to this chapter shall be approved by the director of the OEOE, metropolitan director of finance, and the metropolitan director of law.

2.213.060 Annual certification.

A. Not later than February 15 of each year, the grantee shall submit a certification to the OEOE and the finance department for review covering the previous calendar year. The annual certification shall include at a minimum for each occupied affordable and/or workforce housing rental unit:
   1. The number of months and partial months the unit was occupied;
   2. The Median Household Income level applicable to the unit;
   3. The rent charged for the unit; and
   4. The market value rent of the unit calculated based on the three closest comparable units on a square footage basis.

B. The annual certification shall also include the total number of occupied affordable and/or workforce housing units in the development compared to the total number of affordable and/or workforce housing units required pursuant to the grant agreement. The annual certification shall also compare the total grant payments for all occupied affordable and/or workforce housing units and the maximum annual grant allowable for the calendar year.

C. The annual certification shall include a certification from the chief executive officer of the grantee that the information is true, correct and complete and that each occupied affordable and/or workforce housing rental unit was occupied by an eligible household.

D. The annual certification shall be accompanied by an examination conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants conducted by a reputable and licensed independent accountant giving an opinion that the amount of the incentive being requested represents, in all material respects, the incentive grant payment owed in conformity with the grant agreement. The independent accountant shall examine, on a test basis, documentation supporting the eligibility of the occupants of the affordable and/or workforce housing units. Additional reporting requirements may be specified in each grant agreement.

E. The incentive grant payment shall be remitted to the developer monthly.

F. Upon review of the annual certification, if it is determined that a grantee received an overpayment in a calendar year, the grantee shall reimburse the metropolitan government by July 31st of the year following the year for which the overpayment was made. In the event that a grant was underpaid in a calendar year, the metropolitan government shall pay the amount of the underpayment to the grantee by July 31st of the year following the year for which the underpayment accrued.

2.213.070 Cap on total amount of grant awards.

Beginning with fiscal year 2017-2018, the annual amount of all grants awarded pursuant to this chapter including related administrative costs in the aggregate shall not exceed two million dollars ($2,000,000) exclusive of other grants or contributions made specifically for the purpose of funding the incentive grants. The aggregate grant amount may be increased by resolution of

the metropolitan council. The amount budgeted annually will be based upon estimates of subsequent year awards and subject to the maximum set forth in this section. The director of finance and the director of the OEOE shall review the incentive grant program on an annual basis to determine whether the demand for grant funds significantly exceeds the amount of the cap, and shall make a recommendation to the metropolitan council regarding whether the amount of the cap should be adjusted. Any adjustments to the amount of the cap shall be approved by the metropolitan council by resolution prior to becoming effective.

2.213.080 Noncompliance.

In the event a grantee fails to provide the number of affordable and/or workforce units required for the specified grant term pursuant to the grant agreement, the director of finance shall have the authority to require the grantee to repay the metropolitan government for all grant funds disbursed for affordable and/or workforce housing units in accordance with the provisions of the grant agreement. The director of finance shall have the authority to pursue all other remedies at law or in equity to ensure the availability of the affordable and/or workforce housing units required under the grant agreement.

2.213.090 Grants subject to funding availability.

All agreements for affordable and/or workforce housing incentive grants to be funded by the metropolitan government shall expressly provide that the metropolitan government's financial obligations thereunder are conditioned upon the appropriation of funds by the metropolitan council. The metropolitan government shall have no obligation to make an affordable and/or workforce housing incentive grant if adequate funds are not available. If an incentive grant payment is not made as a result of lack of funding pursuant to this section, the grantee shall be relieved from the obligation to maintain the required number of affordable and/or workforce housing units.

2.213.100 Sunset provision.

The provisions of this chapter shall expire and be null and void on December 31, 2019 ("sunset date") unless extended by resolution of the metropolitan council. This provision, commonly known as a "sunset provision," is included to ensure that the effectiveness and necessity of this chapter is reviewed by the metropolitan council after its adoption. If the provisions of this chapter are not extended by resolution of the metropolitan council before the sunset date, no incentive grants shall be awarded after the sunset date. This sunset provision shall not operate to terminate any existing grant agreement in effect on the sunset date, except for a lack of available funds in accordance with Section 2.213.090.

Introduced by:

_____

Member of Council

AMENDMENT NO. 1

TO

ORDINANCE NO. BL2016-343

Mr. President –

I move to amend Ordinance No. BL2016-343 as follows:

I. By amending Section 1 by adding the following text at the end of proposed section 13.18.020 proposed therein:

> 4. Nothing in this Chapter authorizes an Attacher to perform any act that subjects an Owner or Pre-Existing Third Party User to liability for breach of any existing contract (including but not limited to an existing collective bargaining agreement) relating to installation, maintenance or use of an Pre-Existing Third Party's communications equipment, antenna, line or facility of any kind, or any act that interferes with any Owner's or Pre-Existing Third Party User's existing contract (including but not limited to an existing collective bargaining agreement) relating to installation, maintenance or use of an Pre-Existing Third Party's communications equipment, antenna, line or facility of any kind.

INTRODUCED BY:

Kathleen Murphy
Member of Council

Anna Johnson

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-343

Mr. President –

I move to amend Ordinance No. BL2016-343 as follows:

I. By amending Section 1 by deleting subsection 13.18.020(E) it in its entirety and substituting therefore the following:

> E. An Attacher that exercises the right to transfer, relocate, rearrange or alter a Pre-Existing Third Party User's facilities pursuant to this Chapter shall obtain and maintain, at its sole cost and expense, and file with the metropolitan clerk, a corporate surety bond with a surety company authorized to do business in the State of Tennessee and found acceptable by the metropolitan attorney, in the amount of one million dollars, both to safeguard the public right of way and to guarantee the timely performance of Make Ready construction and implementation of the telecommunications system. Additionally, such Attachers, to the extent permitted by applicable law, shall indemnify, defend and hold harmless the Owner of the affected utility pole or similar structure from and against any action, suit, or proceeding by an affected Pre-Existing Third Party User arising from such transfer, relocation, rearrangement or alteration.

INTRODUCED BY:

_____
Tanaka Vercher
Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-343

Mr. President –

I move to amend Ordinance No. BL2016-343 as follows:

I. By amending the recitals clauses to add the following seventh and eighth recitals:

Whereas, OTMR sets the stage for disagreement and delay of timely deployment of new entrants to the internet service provider space; and

Whereas, the Nashville taxpayers have made it clear that they want more choices rolled out in a timely fashion.

II. By amending Section 1 by deleting sections 13.18.020(A), (B) and (C) in their entirety and substituting therefore the following:

13.18.020 Make Ready Process.

A. Upon approval of an Attachment Application by an Owner, written notice shall be provided by the Attacher to the Pre-Existing Third Party User of the request to perform Make Ready by transferring, relocating, rearranging, or altering the Attachments of the Pre-Existing Third Party User to the extent necessary or appropriate to accommodate the Attacher's Attachment; provided, however:

1. All Attachment Applications shall be simultaneously submitted and grouped by cable route to improve efficiency;

2. The Pre-Existing Third Party User shall, upon receipt of such advance written notice, be allowed a period of forty-five (45) days within which to conduct a survey of the proposed Make Ready work, an additional fourteen (14) days thereafter to complete an estimate of costs, and an additional fourteen (14) days thereafter to submit notice of acceptance to the Attacher;

3. Upon submission of a notice of acceptance by the Pre-Existing Third Party User, an additional period of sixty (60) to seventy-five (75) days following such notice shall be allowed for completion of Make Ready by the Pre-Existing Third Party User;

4. Other attachment methodologies shall be explored, including but not limited to standout brackets, in order to expedite attachments;

B. In the event a Pre-Existing Third Party User fails to transfer, relocate, rearrange or alter any of its Attachments within the period prescribed in section

13.18.020(A)(2-3), the Attacher, using independent contractors approved by the Owner if required by the Owner, may undertake Make Ready with respect to such Attachments by transferring, relocating, rearranging, or altering the Attachments. In the event the pole is owned by AT&T Inc., only Communications Workers of America (CWA) personnel shall be authorized to perform and complete Make Ready.

1. Nothing in this Chapter authorizes an Attacher to perform any act requiring an electric supply outage;

2. Nothing in this Chapter authorizes an Attacher to perform any act with respect to Attachments located above the Communication Worker Safety Zone, as such term is defined in the then-current National Electrical Safety Code, or any electric supply facilities wherever located.

C. In the event Make Ready is performed by pursuant to section 13.18.020(B), within thirty (30) days of the completion of such Make Ready that resulted in the transfer, relocation, rearrangement, or alteration of an Attachment of a Pre-Existing Third Party User, the Attacher shall send written notice, which includes electronic communication, of the transfer, relocation, rearrangement, or alteration and As-Built Reports to the applicable Pre-Existing Third Party User and, if requested, the Owner. Upon receipt of the As-Built Reports, the Pre-Existing Third Party User and Owner may conduct a field inspection within thirty (30) days. The Attacher shall pay the actual, reasonable, and documented expenses incurred by the Pre-Existing Third Party User and Owner for performing such field inspection.

INTRODUCED BY:

_____

Sheri Weiner
Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-343

Mr. President –

I move to amend Ordinance No. BL2016-343 as follows:

I. By amending the first three recitals clauses by adding the word "telecommunications," after the word "broadband," as it appears after each "WHEREAS" as set forth below:

> WHEREAS, communications networks providing advanced broadband, *telecommunications*, cable, and information services in Nashville and Davidson County provide residents, businesses, and institutions with better telecommunications, cable, and information services at more competitive prices;
>
> WHEREAS, communications networks providing advanced broadband, *telecommunications*, cable, and information services in Nashville and Davidson County spur economic growth and business development, citizen engagement, and social interaction;
>
> WHEREAS, in many cases it is desirable for operational, efficiency, aesthetic, and public safety reasons to place facilities for communications networks providing advanced broadband, *telecommunications*, cable, or information services in Nashville and Davidson County on existing utility poles that already are located in the public rights-of-way;

II. By further amending the recitals clauses by adding the following additional "Whereas" paragraphs:

> "WHEREAS, the Federal Communications Commission (FCC) has not addressed one touch make ready in its Pole Attachment Orders, therefore The Metropolitan Government of Nashville and Davidson County has the right to address one touch make ready within its boundaries;"
>
> "WHEREAS, the Ordinance is not intended to preempt the FCC Pole Attachment Orders to the extent those are applicable to pole attachments within the jurisdiction of The Metropolitan Government of Nashville and Davidson County;"

III. By amending Section 1 by adding the following term and definition to proposed section 13.18.010 Definitions:

> "Preapproved Contractor – means a contractor approved by the Owner to perform Make Ready."

IV. By further amending Section 1 by deleting subsection 13.18.020 in its entirety and submitting in lieu thereof the following:

13.18.020 Make Ready Process.

A. Upon approval of an Attachment Application by an Owner, Pre-Existing Third Party Users shall allow an Attacher, using Preapproved Contractors and at the Attacher's expense, to perform Make Ready by transferring, relocating, rearranging, or altering the Attachments of any Pre-Existing Third Party User to the extent necessary or appropriate to accommodate the Attacher's Attachment; provided, however:

1. The Attacher will not perform Complex Make Ready without first providing thirty (30) days' prior written notice, which includes electronic communication, to the applicable Pre-Existing Third Party User so that a field meeting can be scheduled within that time frame with technicians from the Pre-Existing Third Party and the Attacher. The technicians will decide what steps need to be taken to complete the Complex Make Ready;

2. Nothing in this Chapter authorizes an Attacher to perform any act requiring an electric supply outage; and

3. Nothing in this Chapter authorizes an Attacher to perform any act with respect to Attachments located above the Communication Worker Safety Zone, as such term is defined in the then-current National Electrical Safety Code, or any electric supply facilities wherever located.

4. The Attacher will not perform Make Ready without first providing fifteen (15) days' prior written notice, which includes electronic communication, to the applicable Pre-Existing Third Party User.

B. In the event a Pre-Existing Third Party User fails to transfer, relocate, rearrange or alter any of its Attachments within thirty (30) days of giving the written notice required in section 13.18.020(A)(1), the Attacher, using Pre-Approved Contractors, may undertake Complex Make Ready with respect to such Attachments by transferring, relocating, rearranging, or altering the Attachments at the Attacher's expense; provided, however, that the Pre-Existing Third Party User will have sixty (60) days from the date of notice to perform Complex Make Ready if the technicians mutually agree to such extension in the field meeting required in section 13.18.020(A)(1).

C. The Attacher will place its Attachment where instructed by the Owner.

D. At its own expense, Attacher shall ensure that any Make Ready Attachments that are transferred, relocated, rearranged or altered are done in accordance with all applicable federal, state and local laws and regulations; and all applicable engineering and safety standards.

E. Within thirty (30) days of the Attacher's completion of Make Ready that resulted in the transfer, relocation, rearrangement, or alteration of an Attachment of a Pre-Existing Third Party User, the Attacher shall send written notice, which includes electronic communication, of the transfer, relocation, rearrangement, or alteration and As-Built Reports to the applicable Pre-Existing Third Party User and, if requested, the Owner. Upon receipt of the As-Built Reports, the Pre-Existing Third Party User and Owner may conduct a field inspection within sixty (60) days without waiving any rights. The Attacher shall pay the actual, reasonable, and documented expenses incurred

by the Pre-Existing Third Party User and Owner for performing such field inspection.

F. If a transfer, relocation, rearrangement, or alteration results in an Attachment of a Pre-Existing Third Party User failing to conform with the applicable Owner's clearance, separation, the standards in 13.18.020(D), or other standards applicable to utility poles or structures of the type in question, the Pre-Existing Third Party User or Owner shall notify the Attacher in writing, which includes electronic communication, within the sixty (60) day inspection window without waiving any rights. In the written notice, the Pre-Existing Third Party User will elect to either (i) perform the correction itself and bill the Attacher for the actual, reasonable, and documented expenses of the correction incurred by the Pre-Existing Third Party User, or (ii) instruct the Attacher to perform the correction at the Attacher's expense using a Pre-Approved Contractor. Any post-inspection corrections performed by the Attacher must be completed within thirty (30) days of written notice to the Attacher from the Pre-Existing Third Party User or Owner. Within thirty (30) days of the Attacher's completion of any post-inspection corrections that resulted in the transfer, relocation, rearrangement, or alteration of an Attachment of a Pre-Existing Third Party User, the Attacher shall send written notice, which includes electronic communication, of the transfer, relocation, rearrangement, or alteration and As-Built Reports to the applicable Pre-Existing Third Party User and, if requested, the Owner.

G. To the extent permitted by applicable law, an Attacher that exercises the right to transfer, relocate, rearrange or alter a Pre-Existing Third Party User's facilities pursuant to this Chapter shall indemnify, defend and hold harmless the Owner of the affected utility pole or similar structure from and against any action, suit, or proceeding by an affected Pre-Existing Third Party User arising from such transfer, relocation, rearrangement or alteration.

H. In the event of a dispute arising out of this Chapter, the parties may exercise any of their legal rights, including the ability to negotiate a resolution in good faith.

INTRODUCED BY:

_____
Anthony Davis

_____
Jeremy Elrod

_____
Bill Pridemore
Members of Council

Amendment No. ___

To

Substitute Ordinance No. BL2016-343

Mr. President:

I move to amend Substitute Ordinance No. BL2016-343 by renumbering the existing Section 2 as Section 3, and by adding the following new Section 2:

"Section 2. The provisions of this ordinance shall not apply to the Metropolitan Government's Attachments on utility poles or other similar structures that consist of cameras, radios, or any equipment used for emergency communications, and facilities used for traffic signalization, including the following: cameras, detection devices, traffic control boxes, traffic signals, and pedestrian traffic control related appurtenances, such as buttons and wires. The relocation by Attachers of the Metropolitan Government's Attachments consisting of cameras, radios, equipment used for emergency communications or facilities used for traffic signalization shall only be done in accordance with a written agreement negotiated between and executed by the Metropolitan Government and the Attacher(s)."

Introduced By:

_____

Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-371

Mr. President –

I move to amend Ordinance No. BL2016-371 as follows:

I. By inserting the following after Section 3, and renumbering the remaining sections as necessary.

> Section 4. Be it further enacted, that the uses of this SP shall be limited to occupants and residents who are at least fifty-five (55) years of age, conditioned upon the recording of deed restrictions with the Register of Deeds ensuring the units are designated for persons of such age.

INTRODUCED BY:

_____
Fabian Bedne
Member of Council

SUBSTITUTE ORDINANCE NO. BL2016-378

An ordinance to amend Title 11 of the Metropolitan Code to institute a civil penalty for possession of one-half (½) ounce of marijuana or less.

WHEREAS, Tennessee Code Annotated § 39-17-418(a) & (b) makes it a misdemeanor for individuals to knowingly possess or casually exchange a small amount of marijuana not in excess of one-half (½) ounce; and

WHEREAS, the Metropolitan Council finds that when an individual's only offense is possession of marijuana, law enforcement should be afforded the discretion to determine whether criminal penalties and criminal records are disproportionate to the severity of the offense; and

WHEREAS, the Metropolitan Council finds that civil penalties and community service may be commensurate with the offense of possession of one-half (½) ounce or less of marijuana when that is the only chargeable offense.

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

Section 1. That Chapter 11.32 of the Metropolitan Nashville and Davidson County Code is hereby amended by creating a new section to read as follows:

11.32.030 - Possession of Marijuana in Certain Amounts

A. It is an offense for a person to knowingly possess a small amount of marijuana not in excess of one-half (½) ounce (14.175 grams).
B. A police officer shall have the authority to issue a civil citation to persons found in violation of this section. The amount of the civil penalty shall be fifty dollars for each violation. The court may, in its discretion, suspend the civil penalty imposed under this subsection if the person found liable agrees to and does in fact perform such community service as the court deems appropriate, up to ten hours.

Section 2. That this Ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Dave Rosenberg
Member of Council