

The following amendments to the Metro Nashville Davidson County Subdivision Regulations are in response to the recently approved Conservation Development proposal, the proposed Compact Development proposal and the state legislature bill passed last year requiring certain language to be added to these regulations. These amendments are scheduled to be heard at the Metro Planning Commission on September 8, 2022.

### **Subdivision Regulation Housekeeping**

Amend Chapter 1 General Provisions, to modify Subsection 1-13 as follows:

2. In exercising the powers granted to it by T.C.A.13-3-402 and T.C.A 13-4-302, the planning commission shall not require an owner of private property to dedicate real property to the public, or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local government interest and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property. An owner of private property required to make a dedication or pay money in violation of this subsection may seek relief through a common law writ of certiorari in chancery court.

Amend Chapter 3 Requirements for Improvements, Reservations and Design, to modify subsection 3-1.1. as follows:

1. General Requirements. Unless otherwise specified in these regulations, all subdivisions shall comply with the requirements of Chapter 3. Within T2 Rural Neighborhood and/or T2 Conservation policies, the requirements of Chapter 4. Rural Character Subdivisions apply. Outside of T2 Rural Neighborhood and/or T2 Conservation policies, an applicant may choose to develop a compact development according to the standards of Section 17.12.080 of the Zoning Code or alternative subdivisions that are more rural or urban in nature. The requirements of Chapter 4. Rural Character Subdivisions may be used to develop a rural subdivision and the requirements of Chapter 5. Walkable Subdivisions may be used for a more urban pattern of development. For any regulation not included in Chapters 4 or 5, the regulations of Chapter 3 shall apply.

Amend Chapter 3 Requirements for Improvements, Reservations and Design, to modify subsection 3-5.2. as follows:

2. Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Maintenance, except where a Special Policy and/or a Designated Historic District exists. The following criteria shall be met to determine compatibility of proposed infill lots to surrounding parcels. For the purposes of this section, “surrounding parcels” is defined as the five R, R-A, RS, or RS-A parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same blockface, whichever is less. Parcels may be excluded if used for a non-residential purpose, including but not limited to a school, park or church. Where surrounding parcels do not exist, the Planning Commission may grant an exception to the compatibility

criteria by considering a larger area to evaluate general compatibility. An exception to the compatibility criteria may be granted by the Planning Commission for a SP, UDO, PUD or ~~cluster lot~~ Conservation or Compact Development subdivision by approval of the rezoning or concept plan.

Amend Chapter 4 Rural Character Subdivisions, to modify subsection 4-2.5.a.1.f. as follows:

f. ~~Cluster lot option~~ Conservation Development. Development through the Countryside (Open Alternative) Character Option may utilize the provisions of ~~Cluster Lot Option~~ Conservation Development (Section 17.12.090 of the Zoning Code) within the Development Footprint area, excluding lots abutting existing public streets. Smaller lot sizes may be appropriate with the application of a Specific Plan (SP) zoning district that addresses building height, architecture, landscaping, building placement and detailed grading plan.

Amend Chapter 4 Rural Character Subdivisions, to modify subsection 4-2.5.a.2.c. as follows:

c. ~~Cluster lot option~~ Conservation Development. Development through the Countryside (Screened Alternative) Character Option may utilize the provisions of ~~Cluster lot option~~ Conservation Development (Section 17.12.090 of the Zoning Code) within the Development Footprint area. Smaller lot sizes may be appropriate with the application of a SP that addresses building height, architecture, landscaping, etc.

Amend Chapter 4 Rural Character Subdivisions, to modify subsection 4-2.5.b.4. as follows:

4. ~~Cluster lot option~~ Conservation Development. Development through the Agricultural Character Option may utilize the provisions of ~~Cluster lot option~~ Conservation Development (Code Sec 17.12.090 of the Zoning Code) provided the Development Footprint is internal to the overall subdivision and can be shown to comply with Subsection d of this Section.

Amend Chapter 4 Rural Character Subdivisions, to modify subsection 4-2.5.d. as follows:

d. Preservation of Tree Canopy. Prior to any land disturbance within the Development Footprint, a tree survey shall be undertaken and all ~~recommended~~ canopy trees ~~on the Urban Forestry Recommended and Prohibited Tree and Shrub List~~ that are 12" or greater in diameter shall be identified. No such identified trees shall be removed unless the tree is within the designated building envelope as designated on the final plat or approved for removal by the Urban Forester due to condition, disease or damage or invasive nature.