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**MEMORANDUM**

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**TO:** MEMBERS OF THE METRO PLANNING COMMISSION  
**FROM:** METRO NASHVILLE PLANNING DEPARTMENT  
**SUBJECT:** DOWNTOWN CODE DESIGN REVIEW COMMITTEE RULES & PROCEDURE  
**DATE:** DECEMBER 14, 2023

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The Downtown Code Design Review Committee (DTC DRC) is established by the Downtown Code (DTC) to review applications within the DTC zoning district, outside of MDHA Redevelopment Districts. The Downtown Code Design Review Committee is comprised of eight (8) voting members nominated by the Chamber of Commerce, Civic Design Center, Downtown Partnership, the Urban Residents Association, Mayor, Vice-Mayor (on behalf of the Metro Council), Historic Commission, and the Planning Commission.

While many boards and commissions have specifically adopted procedures for conducting business, the DTC simply states that “the DTC DRC is subject to the rules and procedures adopted by the Planning Commission”. In practice, this has meant that general procedures, such as those regarding quorum and voting, are the same as those procedures adopted by the Planning Commission. As the number of cases submitted to the DTC DRC and the degree of project complexity increase, it has become necessary to create more specific, intentional procedures to ensure a consistent review process.

In order to better serve the Downtown community and more directly address the public comment period required by House Bill 448, staff has worked with the DTC DRC to draft a DTC DRC Rules and Procedures document. The document specifies the role of members and officers of the Committee, the manner and limitations with which the public may give comment, the processes for all applications reviewed by the Committee, ethical standards for members, procedures for incomplete applications and late submittals, deferral procedures and the general form of the agenda.

**RULES AND PROCEDURES OF THE  
DOWNTOWN CODE DESIGN REVIEW COMMITTEE**

- I. **PURPOSE.** These rules are to provide for the orderly disposition of the business of the Downtown Code Design Review Committee (DTC DRC) and include information sometimes found in by-laws. They deal with procedural issues and should not be confused with substantive zoning regulations within Title 17 that set standards for properties within Downtown Code zoning.
  
- II. **AUTHORITY.** These rules are adopted pursuant to the authority vested in the DTC DRC by Chapter 17.37 of the Zoning Code for Metropolitan Nashville and Davidson County, which is also known as the Downtown Code.
  
- III. **MEMBERSHIP AND OFFICERS.** The number, qualifications and appointment of members, their terms of office and the filling of vacancies shall be in accordance with Section I: Introduction, Design Review Committee of the Downtown Code. Officers shall be Chairperson, Vice-Chairperson and Secretary.
  - A. **ELECTIONS.** The Chairperson and Vice-Chairperson shall be elected at the annual meeting from among the appointed members of the Committee. Their terms shall be for one year with eligibility for re-election. The person holding the position of Executive Director or their designee shall serve as Secretary. Officers shall hold office until their successors are elected.
  
  - B. **DUTIES OF OFFICERS:**
    - 1. **Chairperson.** The Chairperson shall preside at all meetings of the Committee, except as otherwise authorized by the Committee, he/she shall sign, and the Secretary shall attest, all records, reports and instruments adopted by the Committee. At any meeting, the Chairperson may submit such recommendations and information as he/she may consider proper concerning the business, affairs, and policies of the Committee. The Chairperson shall have the right to debate and vote on any issue before the Committee.
  
    - 2. **Vice-Chairperson.** In the absence or incapacity of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. In the case of resignation of the Chairperson, the Vice-Chairperson shall perform those duties until a new Chairperson is elected. In the absence of both the Chairperson and Vice-Chairperson, when a quorum is present for a regular or special meeting, an interim Chairperson shall be elected from those members present.
  
    - 3. **Secretary.** The Secretary shall keep or cause to be kept a full record of all proceedings of the Committee, including a record of all votes, in a journal of proceedings kept for the purpose and identified as the "Minutes of the Metropolitan Planning Committee." He/She shall perform such other duties in regard to records, including certification of transcripts and attestation of contracts or other documents, as the Committee may direct. The Secretary is an ex-officio officer and shall not be entitled to vote on any issue before the Committee.

- C. **VACANCIES.** Should the office of Chairperson or Vice-Chairperson become vacant, the Committee shall, at its next regular meeting, elect a successor for the unexpired term of office.

**IV. ETHICAL STANDARDS.**

- A. Members shall conduct themselves in accordance with the standards of ethical conduct established in the Metropolitan Code, Section 2.222, et seq.
- B. **Conflict of Interest.** Any member who has, or whose spouse, child, sibling, or parent has, a *financial* interest in any property that is the subject matter of a decision of the Committee is disqualified from participating in the discussion, decision, and/or proceedings of the Committee in connection with that property. The Committee member shall disclose the interest prior to any hearing on the matter.
- C. **Ex Parte Communications.** In matters before the Committee that are advisory, it is best practices that the Committee members refrain from ex parte communications. As the Committee's role in matters not subject to Metropolitan Planning Commission or Metropolitan Council approval is deemed quasi-judicial, all elected and appointed members shall refrain from ex-parte contact on pending actions for which Committee decisions are binding. If inadvertent contact does occur on quasi-judicial matters, the member of the Committee shall report on that contact in full to the Committee prior to any action on the matter and may need to recuse themselves if necessary.

**V. STAFF.** The Committee shall be facilitated by employees of the Metropolitan Planning Commission and addressed by other employees of the Metropolitan Government as deemed necessary.

- A. **ROLE OF STAFF.** Metropolitan Planning Commission staff shall be responsible for preparing staff reports, presenting a recommendation to the Committee, and furnishing submitted information for the Committee's consideration.
- B. **OTHER PERSONNEL.** Additional employees of the Metropolitan Government, including, but not limited to, the Metropolitan Department of Law and Nashville Department of Transportation and Multimodal Infrastructure.
- C. **ETHICAL CONDUCT.** Employees shall conduct themselves in accordance with the most recent Executive Order guiding ethics, conflict of interest, and related subjects and with the standards of ethical conduct, Metropolitan Code, Section 2.222 et seq.

**VI. MEETINGS.** Regular meetings of the Downtown Code Design Review Committee shall be held at a time and place within Davidson County established by the Committee. At the Annual Meeting, the Committee shall establish a schedule of meetings for the remainder of the year. The Committee may postpone, reschedule, or cancel a meeting with notice.

- A. **ANNUAL MEETING.** The regular meeting in January of each year shall be the annual meeting. Officers are to be elected by the Committee at this meeting, with the exception that Officers may be elected by the Committee immediately following the adoption of these Rules and Procedures.

- B. SPECIAL MEETINGS.** A special meeting may be called by either the Chairperson, upon the written request of three or more Committee members, or by the Metropolitan Planning Department. Written notification, including by e-mail, of the time, place and purpose of the meeting shall be delivered to each Committee member at least five calendar days prior to the meeting. At a special meeting, only the business designated as the purpose of the meeting may be transacted. The Chairperson or the Metropolitan Planning Department may also from time-to-time schedule informal work sessions at which information is provided by Planning Department staff to the members about upcoming items to be considered by the Committee or general items of interest to the Committee. It is not necessary for a quorum of the Committee to be present and no business shall be conducted at any such work session.
- C. OPEN PUBLIC MEETINGS ACT.** All sessions of every meeting of the Committee, including special meetings and work sessions, shall be open to the public pursuant to the Tennessee Open Public Meetings Act, T.C.A. Section 8-44-101, et seq.
- D. PUBLIC NOTICE.** The following rules regarding notification of the public are adopted in compliance with Sections 2.24.146 and 2.68.020 of the Metro Code.
1. The agenda and staff report for each regular meeting shall be posted on the “Council, Boards and Committee Event List” maintained by the Metro Information Technology Services Department no later than the Monday preceding each regular Committee meeting.
  2. The agenda for any special meeting or work session shall be posted on the “Council, Boards and Committee Event List” maintained by the Metro Information Technology Services Department at least five calendar days prior to the meeting.
- E. QUORUM.** The presence of a majority of members of the Committee shall constitute a quorum for the transaction of business. The Chairperson may, at his/her discretion, wait up to 30 minutes after the scheduled meeting time for a quorum to be present. In the event that a member is required to leave a meeting prior to adjournment, and the departure causes a loss of quorum, no further official action may be taken until a quorum is restored, other than adjournment. A majority vote of the members of the Committee present and constituting a quorum shall be necessary to decide any item of business requiring action by the Committee except when one or more members have recused from an item. In this case, a majority of those members voting on the item shall be required to decide an item of business requiring action by the Committee.
- F. DECORUM.** Presentations to the Committee should be clear, concise and relevant to the item being considered by the Committee. The Committee may take measures to limit the presentation of information that is unrelated to the case or repetitive in nature.
- G. BASIS FOR COMMITTEE DECISIONS;**  
The Committee shall use criteria established within the Downtown Code as well as architecture, landscape architecture, engineering, and planning best practices for reviewing items. The Committee may also use other sources of information, such as studies, plans, reports, and official guidelines to evaluate items.

- H. MANNER OF ACTING.** After completion of staff presentations or testimony by the public, or during Committee deliberations, Committee members may ask questions of any person present at the Committee meeting for clarification of the factual issues. The voting on all questions coming before the Committee shall, at the discretion of the Chairperson, be by roll call or voice vote and the ayes and noes shall be entered upon the Minutes of such meeting. When the vote is unanimous, the record of a unanimous vote shall be sufficient. If a motion on a question fails, deliberation shall continue until a motion of definitive action is offered and passed.
- I. SUBMITTED MATERIALS.** Materials to be considered by the Committee shall be submitted in a manner and form consistent with the posted requirements of the application, and revisions to plans shall be submitted to the Committee in a timely manner prior to the meeting, as outlined below.
1. Failure to comply with application submittal requirements may result in a determination that an application is incomplete. If an application is deemed incomplete, Planning Staff shall notify the applicant, and the application will not be placed on an agenda until the deficiencies are remedied. Planning Staff shall use the requirements of applications at the time of the submittal to evaluate completeness and shall have the authority to determine if an application is complete.
  2. If a project requires more than one application (e.g., an overall height modification is required to be submitted with a concept plan), all applications must be deemed complete in order for the items to be placed on an agenda.
  3. Revisions to plans shall be submitted at least 13 calendar days before the meeting at which the plans are to be considered. After this deadline, applicants may provide supplemental material prior to or at the Committee meeting to support the application but may not provide new information that is substantively inconsistent with the material on file with Planning Staff. After this deadline, applicants seeking to provide supplemental materials must provide 10 physical copies and 1 digital copy. An applicant seeking to provide revisions after the deadline may also request that the item be deferred to the next meeting as provided for in Section VI J.
- J. DEFERRALS.** The Committee may defer action on any item provided the reason for deferral is reflected in the motion to defer. An applicant may defer their application, either indefinitely or to a specific meeting, by a written request received by the Secretary prior to the meeting where the application was to be considered. The Metropolitan Planning Department, after providing written notice to the applicant, may defer an item to the next agenda provided the reason for deferral is specifically reflected in the written notice. This written notice shall be provided to the applicant prior to 12:00 PM on the Friday prior to a Committee meeting.
- K. APPEALS.** Any determination made by the Design Review Committee may be appealed to the Metropolitan Planning Commission through the procedure outlined in Section I: Introduction of the Downtown Code.
- L. MINUTES AND RECORDS.** Each action of the Committee shall be recorded in the Minutes and supporting documentation retained. The entire proceedings shall be electronically recorded and

that record shall be retained a minimum of 60 calendar days following a final decision by the Committee. All such records shall be available to the public when requested.

**M. ABSENCE OF A RULE.** When a procedural issue arises that is not specifically covered by these rules, the Committee will be governed by Robert's Revised Rules of Order.

**VII. AGENDA.**

**A. ORDER OF BUSINESS.** The agenda for regular or special meetings of the Downtown Code Design Review Committee shall be composed of the following items in the following order:

1. **Call to Order.** The Chair shall call the meeting to order if quorum is reached, pursuant to Section VI E.
2. **Approval of the Minutes.** The Chair shall note if minutes from the previous meeting have been distributed and ask the Committee for any alterations to these minutes or to take action on the minutes.
3. **Public Hearing.** The Chair shall ask members of the public in attendance if any wish to speak. If any wish to speak they may do so pursuant to Section VII B.
4. **Consent Agenda.** The Chair shall specify which items are eligible to be added to the Consent Agenda and ask the Committee members and Planning Staff if any items are to be removed from the Consent Agenda. The Chair shall then read the list of items comprising the Consent Agenda into the record and ask the Committee to act on the Consent Agenda.
5. **Old Business.** Items that have been deferred from a prior meeting shall be considered. The procedure for individual items shall be per Article VIII.
6. **New Business.** Items that have not been deferred from a prior meeting and have not been previously approved shall be considered. The procedure for individual items shall be per Article VIII.
7. **Returning Cases.** Items that have been approved previously shall be considered. The procedure for individual items shall be per Article VIII.
8. **General Discussion.** The Committee and Planning Staff may discuss topics, reports, or presentations that require no formal decision, but are for discussion purposes.
9. **Adjournment.**

**B. PUBLIC HEARING PROCEDURE.** All public hearings shall be conducted in the following manner:

1. The Chairperson shall open the public hearing.
2. The Chair shall recognize any Councilmembers representing districts that include property zoned Downtown Code.

3. The Chairperson shall recognize individuals to speak with the following parameters:
  - a. Persons speaking shall give their full name, affiliation (if any), and home address as well as the item they wish to speak regarding.
  - b. Persons speaking as individuals, not represented by an organization, may speak for up to two (2) minutes.
  - c. When prior to the meeting written notice has been received by the Committee authorizing a representative to speak on behalf of an organization, the identified representative may speak for up to five (5) minutes.
4. The Committee may request combined presentations or establish alternative time limits, considering the time constraints of the meeting and the complexity of the issue.
5. At the conclusion of the public comments, the Chair will declare the public hearing closed.

**C. CONSENT AGENDA.** Items are eligible for the Consent Agenda if they are recommended for approval or approval with conditions by the Planning Department and the Nashville Department of Transportation and Multimodal Infrastructure. Prior to the meeting at which the item is to be considered, the Planning Department shall indicate which items are part of the Consent Agenda. If there is opposition to an item on the Consent Agenda during the public hearing established by Section VII B, or if any Committee member indicates opposition to an item prior to approval of the Consent Agenda, that item is removed from the Consent Agenda and automatically deferred to the next meeting. All items on the Consent Agenda are voted on at once, with no separate presentation or debate.

**VIII. SPECIFIC RULES.** Because of the diversity of actions before the Committee, this section promulgates specific rules applicable to particular actions.

**A. CONCEPT PLAN, MAJOR AND MINOR MODIFICATIONS.** The Committee shall review Concept Plan, Major Modification, and Minor Modification applications to the Downtown Code with a procedure in the following order:

1. **Public Hearing.** The public hearing shall be held at the time specified by Section VII A. No separate public hearing for each item shall be held later in the agenda order.
2. **Staff Presentation.** Staff will briefly describe the proposal and present the staff recommendation. Other Metro department or agency representatives present at the meeting may also present at this time.
3. **Applicant Presentation.** The applicant may next present information regarding the proposed project for a maximum time period of fifteen (15) minutes. All applicant representatives speak or are represented during this time.
4. **Questions and Discussion.** The Committee members may ask questions of staff and the applicant for the purpose of clarifying the content of the proposal. The Committee shall consider, deliberate and motion for either approval, deferral, or disapproval of an application. For Overall Height Modifications, the Committee shall separately and specifically give a recommendation to the Planning Commission on whether to approve or disapprove the application.

**B. REVISIONS TO APPROVED PLANS.** Concept Plan and Final Site Plan applications that have been previously approved by the Committee with substantive changes may be revised by the following process. The Planning Department shall determine whether a revision to a previously approved plan is substantive. If a revision is substantive, it shall be reconsidered by the Committee.

1. **Public Hearing.** The public hearing shall be held at the time specified by Section VII A. No separate public hearing for each item shall be held later in the agenda order.
2. **Applicant Presentation.** The applicant may next present information regarding the proposed project for a maximum time period of fifteen (15) minutes. All applicant representatives speak or are represented during this time.
3. **Questions and Discussion.** The Committee members may ask questions of staff and the applicant for the purpose of clarifying the content of the proposal. The Committee shall consider, deliberate and motion for either approval, deferral, or disapproval of an application. For Overall Height Modifications, the Committee shall separately and specifically give a recommendation to the Planning Commission on whether to approve or disapprove the application.

**C. COMBINATION.** Concept Plan, Major Modification, Minor Modification, and Overall Height Modification applications on the same agenda comprising a single site and project shall be heard as one item.

**IX. INTERPRETATION OF RULES.** The Committee is the final authority as to the meaning of these rules. From time to time, the Committee may make an exception to these rules for extraordinary cases, setting out the reasons therefor.

**X. AMENDMENTS.** These rules may be amended at any regular or special meeting of the Committee by the positive vote of two thirds of members provided all members have been notified by mail or e-mail of the proposed amendment at least ten calendar days prior to the meeting.

**XI. REPEAL OF PREVIOUS RULES.** Any other rules, procedures or by-laws previously adopted by the Committee are repealed.

**XII. FILING PROCEDURE AND EFFECTIVE DATE.** These rules shall become effective on September xx, 20xx, and a certified copy shall be sent to the Office of the Metropolitan Clerk.

**APPROVED BY THE DOWNTOWN CODE DESIGN REVIEW COMMITTEE ON SEPTEMBER XX, 20XX.**