



METROPOLITAN COUNCIL

Metro Council Office

**PROPOSED RULE CHANGES,  
AMENDMENTS AND  
SUBSTITUTES FOR  
RESOLUTIONS AND  
ORDINANCES TO BE FILED  
WITH THE METRO CLERK  
FOR THE COUNCIL MEETING OF  
TUESDAY, DECEMBER 6, 2016**

**2015-2019**  
**RULES OF PROCEDURE OF THE COUNCIL OF**  
**THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

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**2015-2019 RULES OF PROCEDURE OF THE COUNCIL OF  
THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

**1. Order of Business**

The regular order of business shall be as follows:

1. Meeting called to order
2. Invocation
3. Roll Call
4. Approval of minutes of previous meetings
5. Communications from the Mayor
6. Reports of committees on matters other than reports on ordinances and resolutions
7. Elections and confirmations
8. Public Hearings
9. Consent Agenda resolutions
10. Resolutions not on Consent Agenda
11. Ordinances on first reading
12. Ordinances on second reading
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14. Adjournment

**2. President pro tem**

A president pro tempore (“pro tem”) of the Council shall be elected by the Council to serve in the absence of the Vice Mayor. Upon the resignation or death of the Vice Mayor, the pro tem shall serve as the Council's presiding officer in the place of the Vice Mayor until a Vice Mayor shall be elected and qualified. If the pro tem shall serve as the Council's presiding officer on account of the Vice Mayor's resignation or death, the Council shall elect a deputy pro tem to serve in the absence of the pro tem. Until a deputy pro tem is elected as described above while the pro tem is presiding in the absence of the Vice Mayor, the pro tem may, from the chair, designate any member of the Council to preside at a Council meeting. If neither the Vice Mayor, the pro tem, nor any deputy pro tem shall be present at the designated commencement time for a Council meeting, the Chair of the Planning, Zoning, and Historical Committee, or in his/her absence, the Chair of the Traffic and Parking Committee shall call the Council to order and immediately conduct an election, using the voting procedure provided in Rule 42, to elect a member to preside at that Council meeting until a more senior presiding officer shall appear. The terms of the pro tem and any deputy pro tem shall expire on August 31 of the year following their election, and the members serving in this capacity shall retain at all times their full right to vote.

### **3. Standing committees**

The standing committees of the Metropolitan Council shall be as follows:

1. Budget and Finance
2. Charter Revision
3. Codes, Fair, and Farmers Market
4. Convention, Tourism, and Public Entertainment Facilities
5. Education
6. Health, Hospitals, and Social Services
7. Parks, Library, and Recreation
8. Personnel, Public Information, Human Relations, and Housing
9. Planning, Zoning, and Historical
10. Public Safety, Beer, and Regulated Beverages
11. Public Works
12. Rules, Confirmations, and Public Elections
13. Traffic, Parking and Transportation

### **4. Committee terms, chairs and vice chairs**

Except as otherwise provided in the Metropolitan Charter, all members of the standing committees of the Council and the chair of each shall be appointed by the Vice Mayor to serve until August 31 of the year following their appointment. The Chair of each committee shall appoint a member of the committee to serve as vice chair for the committee. No Council member shall simultaneously serve as the chair or vice chair of more than one (1) committee.

### **5. Executive committee**

The executive committee of the Council shall consist of the Vice Mayor, the chair of all standing committees of the Council, and the president pro tem of the Council. Each member thereof shall be entitled to one vote, regardless of the number of positions a Council member may hold. The executive committee shall meet at such time as called by either a majority of the executive committee or by the Vice Mayor. The Vice Mayor shall report back to the Council in a timely manner as to the action taken by the executive committee.

### **6. Special committees**

The Vice Mayor, within his or her discretion, may from time to time appoint such special committees or expand the scope of an existing committee, as the circumstances require. The Council may also create and appoint special committees upon adoption of a resolution to that effect.

## **7. Committee meetings and rules**

Each committee may formulate rules for its own operation. No committee may meet except at the time stated for its meeting and noticed to the members of the committee and the public.

*[INSERT SPACING]*

At all regularly scheduled committee meetings at which action is to be taken, a quorum shall be required consisting of at least half of the appointed committee members.

At the discretion of the committee chair, each committee may request regular reports from appropriate departments and/or boards in relation to the committee's work or oversight.

## **8. Introduction of legislation**

Any proposed ordinance or resolution may be introduced only by a Member or Members of the Metropolitan Council. The Metropolitan Clerk shall not accept a proposed ordinance or resolution for filing unless the original copy of the legislation has been signed, either physically or electronically, by a Member of the Metropolitan Council. The Metropolitan Clerk's Office shall develop and maintain a process for the use of electronic signatures for the purposes of filing legislation.

Any resolution or proposed ordinance on first reading, the subject matter of which affects only one district, shall be deferred one meeting if the Council member from the district concerned with the subject matter of such legislation has not introduced or co-sponsored such legislation.

Each member of Council shall be limited to filing no more than one memorializing resolution, resolution requesting information, or similar resolution that is not binding legislation, for each meeting of the Council.

## **9. Introduction of zoning legislation by Councilmembers-at-Large**

With the exception of zoning text amendments, where any zoning measure is introduced by a Councilmember-at-Large, the Council member from the district concerned shall be notified by the Councilmember-at-Large and afforded the opportunity to be its co-sponsor. This does not restrict the right of the Councilmember-at-Large to introduce such measure if the district Council member does not desire or refuses to be its co-sponsor.

## **10. General filing requirements**

One original of all ordinances and resolutions shall be filed physically and/or electronically with the Metropolitan Clerk, said original to be retained in the office of the Metropolitan Clerk at all times, subject only to withdrawal for signature by the Mayor. All references in these rules to "original" ordinances or resolutions shall include the physical or electronic version thereof.

## **11. Filing deadlines; emergency items**

All ordinances and resolutions (except resolutions to amend the Capital Improvements Budget, as provided below) shall be filed in the Metropolitan Clerk's Office not later than ~~4:00 p.m. on Tuesday, immediately preceding~~ noon ~~on the Tuesday at least one week prior to~~ a regular meeting of the Council and not later than 11:00 a.m. of the third day, excluding Saturdays and Sundays, preceding the day of any other Council meeting. No ordinance or resolution may be filed unless the originals have first been delivered to the Council Office not later than Noon on the second Friday preceding the regular meeting date or not later than Noon the fourth day, excluding Saturdays and Sundays, preceding the day of any other Council meeting. ~~Legislation prepared by the Metro Council Office must be requested at least forty-eight (48) hours prior to this delivery deadline.~~

All resolutions to amend the Capital Improvements Budget shall be filed in the Metropolitan Clerk's Office not later than 11:00 a.m. on the second Friday preceding the regular meeting of the Council and not later than 11:00 a.m. of the tenth day, excluding Saturdays and Sundays, preceding the day of any other Council meeting. Upon the filing of such resolution to amend the Capital Improvements Budget, the Metropolitan Clerk shall promptly provide copies of said resolution to each member of the Council. No resolution to amend the Capital Improvements Budget may be filed unless the originals have first been delivered to the Council Office not later than Noon the second day, excluding Saturdays and Sundays, preceding the day such resolution is to be filed with the Metropolitan Clerk's Office.

All amendments to, or substitutes for, an ordinance or a resolution, ~~or any requested late-filed legislation,~~ shall be delivered to the Council Office not later than Noon ~~on the Friday immediately preceding the regular meeting date. In the event of a special meeting, delivery shall occur or~~ not later than Noon the ~~second~~ day -- excluding Saturdays and Sundays -- preceding the day of ~~any other such~~ Council meeting.

The Council may not consider, ~~except by unanimous consent,~~ any ordinance, resolution, ~~or~~ amendment ~~or substitute thereto,~~ not filed in accordance with the three preceding paragraphs.

No ~~late~~ ordinance, ~~or~~ resolution, ~~or~~ amendments ~~thereto~~ or substitutes ~~for,~~ submitted after these ~~prescribed deadlines~~ will be considered by the Council except on an emergency basis. Any sponsor of such late legislation ~~must a late ordinance or resolution must inform the Vice Mayor as to the nature of the emergency prior to the meeting at which the legislation is to be offered,~~ appear before the Rules, Confirmations and Public Elections committee immediately prior to the regular meeting to disclose the nature of the emergency for such late-filed legislation, or submit a letter providing this information to the committee. Late ordinances and late resolutions will still be referred to other appropriate committees per Rule 15. At the subsequent regular meeting, the sponsor must state on the introduction thereof that an emergency exists, must state the nature of the emergency, and must request a suspension of the rules. ~~and must further submit in writing to the Metropolitan Clerk the nature of the emergency.~~

## **12. Zoning Public Hearings**

Public hearings on zoning bills shall be held at the first meeting of each month, provided that no zoning public hearing shall be held at the first meeting in June. This rule shall not preclude any other matters from being considered on the first meeting of each month. Public hearings on zoning bills may

be held at any other Council meeting if the Vice Mayor determines circumstances warrant holding additional public hearing.

### **13. Agenda preparation and mailing**

The agenda for each meeting shall be prepared by the Metropolitan Clerk and sent to each member not less than ~~two~~ **four** days, excluding Saturdays and Sundays, before the meeting at which it will be considered. For regular meetings, the agenda is to be sent not later than ~~Friday~~ **Wednesday** prior to such meetings.

This agenda shall show on all planning and zoning and mandatory referral matters listed thereon the vote of the Planning Commission on its action on such matter and shall similarly indicate the vote of all other boards and commissions of their recommendations of such matters which were referred to such boards and commissions.

Members of Council desiring to receive all agendas by U.S. mail shall make their request known to the Metropolitan Clerk in writing.

### **14. Consent Agenda Resolutions**

All resolutions receiving a unanimous recommendation of approval from all of the committees to which the resolution was referred shall be considered by the Council in one vote as part of a consent agenda. The Vice Mayor shall call on each committee chair or his/her designee to give a committee report for all such resolutions receiving a unanimous recommendation of approval prior to taking action on the consent agenda. Any Member of Council desiring to take a separate vote on a resolution proposed for inclusion on the consent agenda shall notify the Vice Mayor prior to taking a vote on the consent agenda items. The Vice Mayor shall read all of the captions for the resolutions on the consent agenda at one time and, following the committee reports, one vote shall be taken for approval of the consent agenda resolutions.

### **15. Committee referrals; amendments to legislation**

All ordinances must be referred to the appropriate committee(s) of the Council by the Vice Mayor after first reading. ~~The Vice Mayor may delegate this responsibility to the Metropolitan Clerk. , and e~~ Except for zoning matters, budget, revenue service charges, economic development incentive ordinances or tax ordinances, no ordinance may be amended **or substituted** after second reading. No motion to amend the Capital Improvements Budget for the ensuing fiscal year shall be entertained by the Council unless such amendment has been submitted to the Budget and Finance Committee for a recommendation.

**Written copies of all amendments or substitutes to resolutions and ordinances, other than substitute resolutions awarding the sale of Metropolitan Government debt by public bid, must be distributed to all members not later than ~~1:00 p.m.~~ 9:00 a.m. on the Monday preceding a Tuesday regular meeting of the Council prior to any action being taken upon such matters by the Council or by any committee to which the matter has been referred. [Moved from Rule 47.] Distribution shall be made by electronic mail to all members, on-line posting on the Metropolitan Council website, and placement of hard copies on members' chamber desks.**

All resolutions must be referred to the appropriate committee(s) of the Council by the Vice Mayor. The committee assignment shall be indicated on the Council agenda. No vote will be taken on any resolution or on any ordinance on third and final reading until a committee has made a recommendation regarding the legislation.

The committee to which an ordinance or resolution has been referred shall make a report to the Council at the next regular meeting after its referral.

#### **16. Certification by Director of Finance on funds availability requirement**

No resolution or ordinance involving or requiring the appropriation or expenditure of money, upon being filed, shall be placed upon the agenda by the Metropolitan Clerk until the Director of Finance has furnished a statement as to the availability of funds, provided that such resolution or ordinance may be placed upon the agenda if the Director of Finance fails to submit such statement as to availability of funds within thirty (30) days after the legislation is delivered to the Director of Finance.

#### **17. Capital project resolution requirements**

No resolution or ordinance proposing to expend or appropriate funds or to authorize the borrowing of funds for capital improvement projects (including the issuance of bonds or notes), upon being filed, shall be placed upon the agenda by the Metropolitan Clerk unless and until said legislation shall list the projects to be funded and the estimated cost of each project, and shall also comply with the requirements of Rule 28.

#### **18. Settlement of claims**

No resolution or ordinance approving the settlement of a claim against the Metropolitan Government, upon being filed, shall be placed upon the agenda by the Metropolitan Clerk until the Director of Law shall have filed with the Metropolitan Clerk a statement recommending the payment of the claim.

#### **19. Contractual agreements requirements; street and alley closure requirements**

No resolution or ordinance approving or authorizing the execution of any contract, lease, agreement or other instrument, or authorizing the closure and/or abandonment of any street, alley, or other public right-of-way, upon being filed, shall be placed upon the agenda by the Metropolitan Clerk unless said documents shall have been executed by all necessary parties including affected property owners for legislation closing and/or abandoning streets or alleys, excepting the signature of the Metropolitan Mayor and the Metropolitan Clerk. Further, said documents need not be executed by state, federal and railroad officials to be placed upon the agenda. For purposes of this rule, "affected property owner" includes (1) the owner(s) of property abutting the section of the street or alley to be abandoned; and/or (2) the owner(s) of property having a right to use the street or alley for purposes of ingress and egress to and from the owner's property, regardless of whether the street or alley has been built out.

All ordinances involving street or alley closures shall include the name or names of the parties requesting the street or alley closure within the body of the legislation. *[Moved from Rule 22.]*

#### **20. MPC recommendations on zoning bills requirements**

No resolution or ordinance required to be referred to the Metropolitan Planning Commission for a recommendation shall be filed with the Metropolitan Clerk unless evidence of submission to the Metropolitan Planning Commission is filed together with the legislation or the legislation has noted upon it the recommendation of the Metropolitan Planning Commission. No zoning ordinance shall be filed with the Metropolitan Clerk unless such proposed legislation is accompanied with evidence that all fees required pursuant to the Metropolitan Code have been paid.

#### **21. Public hearings for zoning bills; delinquent taxes**

Upon introduction of any zoning ordinance not accompanied by a recommendation of the Metropolitan Planning Commission, such ordinance shall be referred to the Planning Commission. The Metropolitan Clerk shall advertise such ordinance for public hearing and second reading; however, no action shall be taken by the Council on second reading and no public hearing shall be held by the Council until the recommendation of the Planning Commission has been submitted to the Metropolitan Clerk or at least thirty (30) days has elapsed from the date of referral to the Planning Commission **following first reading** without a recommendation. Any property proposed to be rezoned shall be current in the payment of property taxes before the zone change can be passed by the Metropolitan Council on second reading. Any ordinance applying a Residential, Commercial, or Industrial Planned Unit Development District or a Specific Plan (SP) District must have a recommendation from the Metropolitan Planning Commission before its introduction. **Substitutes introducing Specific Plan (SP) zoning upon second or third reading may rely upon the previous Planning Commission recommendation only if the SP is as equally restrictive as the original zoning request and the substitute zoning ordinance is re-referred to the Planning Commission.**

#### **22. Withdrawals of legislation; informational disclosures on applicants**

On any legislation pending before the Council for which a deferral or withdrawal is requested by the sponsor, the sponsor at the time of the request for such deferral or withdrawal will state to the Council the reason for such request.

~~All ordinances involving street or alley closures shall include the name or names of the parties requesting the street or alley closure within the body of the legislation. *[Moved to Rule 19]*~~

For zoning legislation, the name or names of the parties requesting the zone change, the name of each property owner whose property is included in the change identified by Map and Parcel Number as to owner, and the name of the optionee (if any) shall be printed on the Metropolitan Council agenda.

#### **23. Deferrals; excessive deferrals; indefinite deferrals**

All ordinances before the Council on second and third reading, **except those affecting the zoning under Title 17 of the Metropolitan Code of Laws of a particular property or properties**, and all resolutions

shall automatically be ~~deferred indefinitely upon the third deferral thereof. after they have been deferred two times.~~ Any member of the Council who has sponsored said legislation may at any time inform the Clerk to replace the ordinance or resolution on the agenda for the next Council meeting and upon receipt of said request the Clerk shall place it on the agenda for the next meeting. If the ordinance or resolution is deferred for any reason after being so replaced on the Council agenda at the next meeting, then the ordinance or resolution shall be considered as withdrawn and the Clerk will permanently remove it from the Council agenda. In order to receive further consideration, the ordinance or resolution must be re-introduced. ~~For the purposes of this rule, a committee-requested deferral under Rule 23 shall not be counted as a deferral.~~

Any ordinance or resolution that has been removed from the agenda, pursuant to this rule or because the sponsor has requested indefinite deferral, shall be placed on the agenda only at the ~~written or oral~~ request of the sponsor, which shall be made to the Metropolitan Clerk not later than ~~4:00 pm on the Tuesday at least one week preceding the Council meeting~~ at which time the matter can be considered. Any ordinance or resolution that has been removed from the agenda after a disapproved motion to override under Rule 24 is not eligible to be placed on the agenda again.

Any ordinance or resolution that has been deferred indefinitely for a period of more than ninety (90) days shall automatically be deferred for one meeting upon being placed back on the agenda at the request of the sponsor pursuant to this rule and shall be re-referred to the appropriate committee(s) selected by the Vice Mayor ~~or Metropolitan Clerk~~ for a recommendation.

#### **24. Automatic deferral by committee action**

Any ordinance or resolution that receives a ~~committee~~ recommendation of ~~one~~ deferral from any committee to which it is referred shall be ~~automatically~~ deferred for one Council meeting; provided, however, that no ordinance or resolution shall be deferred more than one time or more than one meeting pursuant to this rule.

Any ordinance or resolution that receives a recommendation of indefinite deferral from any committee to which it is referred, over the objection of the sponsor, shall be indefinitely deferred at the regular Council meeting following the report of the assigned committee(s). Thereafter, the sponsor may submit a single written request to the Metropolitan Clerk that the matter be placed on the agenda for the next regular meeting for purposes of requesting override of the indefinite deferral. Debate of the requested override shall be limited to (a) the sponsor of the deferred legislation and (b) the chair(s) of the committee(s) requesting indefinite deferral, or a designee thereof. Each speaker shall be limited to four (4) minutes each. A majority of the Council members voting shall be required to override a committee recommendation of indefinite deferral. If such override is approved, the item shall be placed on the agenda for consideration at the next regular meeting of the Council. If such override is disapproved, the Clerk will permanently remove the item from the Council agenda.

#### **25. Honorarium resolution requirements and presentations; announcements and extraordinary matters**

Memorializing and congratulatory resolutions in typewritten form, with copies to be ~~certified and~~ sent to the appropriate party or parties, are proper resolutions to be considered and acted upon by the Metropolitan Clerk. All memorializing resolutions honoring individuals, groups or organizations shall

be referred to the Rules, Confirmations, and Public Elections committee for review and recommendation.

All presentations of memorializing and congratulatory resolutions shall be limited to five (5) minutes each, and no more than two (2) such presentations shall be allowed at any meeting of the Council. Further, each Member of Council shall be limited to presenting two memorializing or congratulatory resolutions per year as a primary sponsor. For purposes of this Rule, one year shall be from September 1 to August 31 of the following calendar year. Members of Council wishing to make presentations of memorializing and congratulatory resolutions shall schedule the presentations with the Council Office. The Council Office shall schedule the presentations for each meeting on a first come, first served basis. The word “presenting” as used in this Rule means to formally read or paraphrase the memorializing/congratulatory resolution and to present the honoree(s) with an official copy of the resolution.

## **26. Announcements**

Announcements and extraordinary matters shall be held thirty (30) minutes prior to all regularly scheduled Council meetings. The president pro tem of the Council or his/her designee shall preside over such matters.

## **27. Notaries public**

The election of certain notaries public by the Council shall be accomplished by the introduction and passage of a resolution including the names of those persons to be elected as notaries public. The resolution shall include the person’s name, address and length of term for which he or she is to serve as a notary public. The resolution shall also contain a letter from the County Clerk certifying that each person to be elected meets all of the qualifications of the office of notary public. It shall not be required that the person or persons being elected appear before the Council or any committee thereof.

## **28. Appropriation of funds**

No resolution or ordinance involving the appropriation or expenditure of funds may be considered by the Council if the department, agency or office benefiting from the appropriation or expenditure has failed for thirty or more days to respond to a request for information submitted by the Council or any committee of the Council.

The Council may not consider any resolution issuing, determining to issue, or otherwise approving any bond or other debt obligation unless the resolution (or an attachment thereto) complies with the following requirements: (a) identify the total amount to be financed; (b) identify each of the purposes of the amount to be financed; (c) for each such purpose, identify the portion of the total amount to be financed that is to be allocated to that purpose; and (d) for each such purpose, with reasonable specificity, describe any subparts or categories within that purpose and identify the portion of the total amount to be allocated for each subpart or category.

### **29. Order of debate; sponsor's presence required**

Upon the consideration of any ordinance or resolution by the Council, the first person to be recognized by the Vice Mayor shall be one of its sponsors. The second shall be the chair or one spokesman of the committee to which the matter has been referred. No action may be taken on any ordinance or resolution (except ordinances on introduction and first reading) at any meeting of the Council or at any meeting of a committee of the Council to which such ordinance or resolution has been referred unless a sponsor is present or a sponsor has informed the Vice Mayor or chair of the committee, in writing, of the action that should be taken and of the member of Council designated to handle the matter in the sponsor's absence.

### **30. Limitation of time on speakers**

A member shall speak no more than once on the same subject until all members have had an opportunity to speak on it, and for no more than four minutes, except that one sponsor of an ordinance or resolution and one spokesman of the committee to which the matter has been referred shall each have the right to speak five minutes. The Metropolitan Clerk shall keep time in accordance with this Rule. A member of Council shall be entitled to yield his/her time to another member once. These restrictions may be waived by the Vice Mayor or by a majority of the members present.

During the course of any meeting, if a member of Council is referred to by name by any speaker and such member's character or integrity is called into question, then such member, upon request, shall be recognized by the Chair immediately following the conclusion of the previous speaker for the sole purpose of raising a question of personal privilege to respond.

### **31. Mayor's privilege of the floor**

The Mayor or an authorized representative shall have the privilege of the floor for the purpose of discussing matters under consideration by the Council.

### **32. Public addressing Council**

Members of the public may address the Council in a public hearing format regarding a specific resolution or ordinance, when a public hearing is not otherwise required by law, if the Council approves a **Council member's** motion by a two-thirds vote of the Council members present at such meeting to allow members of the public to address the Council. ~~at the next regular meeting regarding such ordinance or resolution. As a part of the authorizing motion, the Council shall set the time period for the public hearing and a time limit for individual speakers, as well as such other terms of the public hearing as it shall deem prudent.~~

This restriction does not apply to zoning matters where all parties concerned shall be allowed to speak for three minutes each. The Metropolitan Clerk shall keep time in accordance with this Rule.

### **33. Motion to table; motion for previous question**

Neither a motion to table nor motion for the previous question may be made by the last member to speak on a measure, but such motion may be made only by a member who has obtained the floor for that sole purpose.

A motion to table may be debated only by the maker of the motion and by one proponent of the ordinance or resolution involved.

Provided, at any meeting wherein the operating budget for the ensuing fiscal year is being debated on third reading, a motion to table or the motion for the previous question cannot be made until the proponents and opponents have been allocated the opportunity for at least fifteen minutes each of debate.

### **34. Special rules on consideration of operating budget ordinance**

At any meeting wherein the operating budget for the ensuing fiscal year is being debated on third reading, the following provisions shall apply, any rule contained in these rules to the contrary notwithstanding:

No motion to amend the operating budget or a substitute operating budget ordinance may be entertained by the Council, unless such amendment or substitute budget has been submitted to the Budget and Finance Committee for a recommendation.

A second substitute budget ordinance may not be amended but must be acted upon as filed and presented.

A motion to table the budget ordinance or a substitute budget ordinance cannot be made until the proponents or opponents have been allowed at least fifteen minutes of debate. Provided however, when a motion is made to table any amendment proposed to the budget ordinance or substitute budget ordinance, the spokesperson for such amendment may divide a total of twelve minutes among other members speaking in support of the motion.

### **35. Motion to reconsider**

A motion to reconsider a vote of the Council on any ordinance or resolution can be entertained only on a final reading and an affirmative vote and then only when the following have been complied with:

- (a) The maker of the motion to reconsider must have voted with the prevailing side.
- (b) The motion to reconsider must be made before the next order of business.
- (c) Not less than four (4) members of the Council must second the motion, and these four members need not have voted with the prevailing side.

Such motion, properly made and seconded, must be considered and finally acted on at the next regular meeting of the Council or at a special meeting called for that purpose. Such motion shall not be debatable prior to its consideration and final action.

No statement that a member is proposing to offer a motion to reconsider at a later meeting is to be entertained by the Council.

### **36. Motion to rescind action**

Any affirmative action of the Council may be rescinded by two-thirds (2/3) vote of the full membership of the Council (27 votes).

### **37. Actuarial study required on pension legislation**

All legislation which directly or indirectly affects any Metropolitan Government Pension Plan shall be referred to the Metropolitan Employee Benefit Board for an actuarial study before the matter can be considered by the Council. The Metropolitan Employee Benefit Board shall have ninety (90) days from the date the legislation is referred to said Board to report to the Council. If no such report is received, the Council shall be entitled to consider the legislation.

### **38. Roll call votes**

The Chair shall call for a roll call vote when:

1. The Chair is unable to determine the outcome of a voice vote on an ordinance upon any reading.
2. There is any abstention or negative vote on a resolution or on an ordinance on **second or third** reading.
3. ~~Five (5) members of Council request a roll call vote~~ **Upon request of any Council member, if seconded by three (3) additional members,** prior to a vote or immediately following a voice vote before the next order of business.

A roll call vote is required on third reading for all zoning matters disapproved by the Planning Commission, on all matters affecting traffic control or use of streets disapproved by the Traffic and Parking Commission, on all budget ordinances, on all ordinances establishing the tax levy in the General Services District for a fiscal year and declaring the amount required for the annual operating budget of the Urban Services District, and on all legislation vetoed by the Mayor.

Any member of Council present in the Chamber who does not cast a vote during a roll call vote shall be recorded as abstaining.

### **39. Voting machine use**

The roll call vote shall be by voting machine, if possible.

### **40. Attendance of Director of Law**

The Director of Law or the Director of the Council Office (or their designee) shall attend the meetings of the Council to advise on matters of law.

#### **41. Confirmations; questionnaires; Charter amendments**

All appointees to be confirmed by the Council shall be required to complete a questionnaire adopted by the Rules Committee. Each completed questionnaire shall be filed with the Clerk and a copy shall be sent by the Clerk to all members of Council. No action may be taken upon such appointee until and unless such completed questionnaires have been sent to members of Council at least five days preceding any vote for confirmation.

The Mayor may withdraw for consideration any appointee submitted to the Council for confirmation and such withdrawal shall relate back to the original date of appointment the same as if such person had not been appointed; however, such withdrawal shall not act to enlarge upon the time permitted by the Mayor, under the relevant provisions of the Charter, to submit an appointee for confirmation. All appointments subject to election or confirmation by the Council shall be elected or confirmed by a majority of the entire membership of the Council (21 votes), except where other requirements are established by the Charter. Any appointee failing to receive the required vote of the Council shall be deemed to have been rejected.

A resolution proposing amendment or amendments to the Metropolitan Charter must receive an affirmative vote for adoption of not less than 2/3 of the membership to which the Council is entitled (27 votes), and further, any amendment to any such resolution, including individual Charter amendments, must also each receive an affirmative vote of not less than 2/3 of the membership to which the Council is entitled (27 votes).

#### **42. Election of members of Council to commissions; conduct of all elections**

All elections conducted by the Council to elect members to the Metropolitan Planning Commission and the Traffic and Parking Commission or any other position to which a member of the Council must be elected shall be conducted as follows:

1. At the next regular meeting of the Council following a vacancy, the Vice Mayor shall call for nominations to fill said positions from the membership of the Council. No second shall be required to place the same in nomination. Any vacancy that is the result of a new term, including that of the president pro tem, shall be announced by the Vice Mayor at the first regularly scheduled Council meeting of the term. Nominations shall be taken and the vote(s) shall be held at the next regularly scheduled Council meeting.
2. Voting shall be by machine vote or by open ballot and may be cast only for a person who has been properly nominated. Each vacant position to be filled by an election shall be voted upon separately. The person receiving the largest number of votes shall be elected, provided a majority of the votes cast is received. If there are more than two candidates and no candidate receives a majority of the votes cast, the two

candidates receiving the largest number of votes shall proceed to a runoff election. The Vice Mayor shall vote only in the case of a tie when there are two candidates.

3. If written ballots are to be used, the ballots shall be distributed to each member of Council who shall thereupon write or print their name, district number, or at-Large notation and shall vote for the nominee of their choice who has been properly nominated. The ballots shall be collected by a teller designated by the Vice Mayor who shall thereupon deliver the ballots to the Clerk who shall read each Council member's name and the candidate for which the member of Council voted into the record, which vote must be confirmed by the member of the Council. The final vote shall be tabulated and spread upon the minutes of the Metropolitan Council. Any ballot of a member of Council that does not comply with the provisions of this Rule 42 shall be void and not considered as a vote cast under the Rule.

#### **43. Election of directors to Industrial Development Board and Health and Educational Facilities Board**

Upon the expiration of the term of a member of the Industrial Development Board created pursuant to Tennessee Code Annotated 7-53-301, *et seq.*, and of the Health and Educational Facilities Board created pursuant to Tennessee Code Annotated 48-101-301, *et seq.*, the following procedure shall be established for the selection of a successor:

1. The Vice Mayor shall by letter notify each member of the Council of the existence of a vacancy on said boards. At the next regularly scheduled Council meeting following a notification by the Vice Mayor, the Vice Mayor shall call for nominations from the membership of the Council to fill the vacancy on said board.
2. Those persons nominated shall be referred to the Rules, Confirmations, and Public Elections Committee of the Council for recommendation. The Committee shall meet and determine the relative qualifications of the various candidates and report to the Council its recommendation at the next regularly scheduled Council meeting following the meeting wherein the candidates were nominated.
3. Upon receiving the recommendation of the Rules, Confirmations, and Public Elections Committee, the Council shall conduct an election to elect a person to the Industrial Development Board or to the Health and Educational Facilities Board. Any person nominated who fails to appear before the Rules Committee shall be deemed to have withdrawn their name for nomination. The election for all seats on a board shall be held concurrently, with each Council member required to vote for a number of nominees equal to the total number of vacancies. Each vacancy will be filled by (a) the top recipient of votes who has not already been elected for a seat filled in the same election, and/or (b) any other nominee(s) receiving a majority of the entire membership of the Council (21 votes) in order of total vote count. In the event of multiple vacancies, each person nominated and not elected on the election for the first vacant position shall be deemed nominated for such succeeding election for a vacant position being voted upon at such meeting. Vacancies will be filled first for full terms, then for partial terms, beginning with the partial term with the most time remaining and continuing through the partial term with the least time remaining. Ties shall be broken by the Vice Mayor, first to ensure the number of

elected nominees equal the number of vacancies, then to determine who receives the longer of available partial terms, then to determine who receives available full terms, if necessary.

#### **44. Election of public officials**

Procedure for selecting a successor to fill a vacancy in any office which by law is to be filled by the Metropolitan Council.

1. Upon the vacancy in the office of any elected official that may lawfully be filled by the Metropolitan Council, each member of the Council shall be notified of said vacancy by an announcement by the Vice Mayor at the next meeting of the Council. Such announcement shall be at least four weeks preceding the meeting at which a successor is to be elected. Upon the announcement of a judicial or court clerk vacancy, the Metropolitan Clerk shall immediately notify the Nashville Bar Association and Napier-Looby Bar Association of such vacancy, which notification may be by facsimile or electronic transmission.
2. The Council may select a successor at any special called meeting of the Council, provided the notice under paragraph 1 is satisfied.
3. Nominations. All members of the Council as well as members of the general public, including candidates themselves, may nominate a person to fill the vacancy in office. No second shall be required to place the name in nomination. All nominations shall be in writing, signed by the person making the nomination and filed with the Metropolitan Clerk not later than 4:00 p.m. on the day which is one week following the date of the notice of the vacancy, at which time nominations will be closed. Within three business days following the filing of the written nomination, the person so nominated shall file with the Metropolitan Clerk a copy of their resume and a written questionnaire approved by the Rules, Confirmations, and Public Elections Committee that shall include, but not be limited to:
  - a. A statement setting forth their willingness to serve if elected;
  - b. Their complete name;
  - c. Place of residence;
  - d. The length of time the person has lived in Davidson County;
  - e. Professional or occupational experience;
  - f. Educational background;
  - g. Experience in public service;
  - h. Professional and personal conduct;
  - i. Physical and mental ability to perform the essential duties of the position with or without reasonable accommodation;
  - j. For judicial appointments, if the candidate is an attorney, a waiver of confidentiality as to disciplinary matters under the Tennessee Supreme Court Rule 9, Section 32.1.
  - k. All other information that may be required by law to ensure their eligibility to serve.

Failure of a candidate to return a completed questionnaire to the Metropolitan Clerk within three (3) business days after the candidate's nomination is received by the Metropolitan Clerk's office shall result in the candidate's nomination being automatically withdrawn.

The Metropolitan Clerk shall forward copies of the nomination documents and responses to the questionnaire to each member of Council.

4. All candidates for a position shall personally appear before the Rules, Confirmations, and Public Elections Committee to be interviewed to ensure the candidate meets the required qualifications. The Metropolitan Clerk's Office will notify each candidate by electronic mail and certified mail regarding the date, time, and place of the Rules, Confirmations, and Public Elections Committee meeting. Failure to appear before the Rules Committee shall result in a candidate's nomination being automatically withdrawn.
5. Judicial or Court Clerk Candidates. The Metropolitan Clerk shall forward the names of all persons nominated to fill a judicial or court clerk vacancy to the Nashville Bar Association and Napier-Looby Bar Association and request that a Candidate Evaluation Poll be taken from its membership. The results of the poll, including the total number of members and the members responding, shall be filed with the Metropolitan Clerk, who shall forward such results to the members of the Council. All candidates for a judicial or court clerk position shall personally appear before the Rules, Confirmations, and Public Elections Committee, at its meeting at least two weeks prior to the Council meeting at which time the election will be held to fill the vacancy, to be interviewed to ensure the candidate meets the required qualifications.
6. Petitions from voters residing in the county may be presented to the Council by filing them with the Metropolitan Clerk in support of any candidate.
7. At the meeting for the Council when the selection is to be conducted, the Council member or other person having nominated a candidate may speak for no more than five minutes and may yield the floor to the candidate or other persons who wish to speak in support of the nomination. No more than five minutes total shall be given any one candidate for their presentation and the persons speaking in support of the candidate.
8. The election shall be conducted in the same manner as provided in Rule 42.

#### **45. Recall procedures for members of boards and commissions**

The following procedure shall be followed by the Council in order to recall or remove a member of a board or Commission of the Metropolitan Government as provided by the Charter:

1. A resolution shall be filed with the Clerk providing for the removal of a member or members of a board or commission, which resolution shall state the reasons or grounds for such removal. A copy of said resolution shall be

forwarded by the Clerk to the member sought to be removed and such resolution shall be placed upon the regular agenda of the Council.

2. Such resolution shall be deferred for one meeting and referred to the Rules, Confirmations, and Public Elections Committee. The person(s) sought to be removed may appear at such committee meeting, but shall not be compelled to appear before the committee. The committee shall make a recommendation to the Council but may not recommend a deferral of action on said resolution.
3. Any person sought to be removed from a board or commission, or their designated representative, may address the Council prior to a vote on the resolution removing them from the position. In the event a person sought to be removed resigns from such position, by submitting a written resignation to the Clerk prior to a vote on the resolution, no vote shall be taken on the resolution.
4. All votes on resolutions removing any person from a board or commission of the Metropolitan Government shall be by a roll call vote.

#### **46. Council travel expense reimbursement**

All members of the Council who travel on Metropolitan Government business at its expense shall within 15 business days thereafter file with the Metropolitan Council Staff Office an itemized statement of the principal expenses incurred. No further expense advance or reimbursements will be made until full compliance with this rule has been effected.

#### **47. Use of Council Chamber; distribution of written materials**

The use of the David Scobey Council Chamber is left to the discretion of the Vice Mayor regarding the following matters:

1. Meetings held inside the legislative area using the Council members' desks.
2. When to allow the speaker system to be used by groups other than the Council.
3. When groups other than Council committees use the committee rooms and make rearrangements of the furniture, the Vice Mayor shall designate who is responsible for placing the room back in proper order.

Except as otherwise provided, no written materials, documents or other items may be distributed and/or placed upon Council members' desks. Written materials, documents or other items may be distributed and/or placed upon Council members' desks if:

1. They are signed by the individual requesting distribution and clearly show said individual's name, address, and telephone number; and
2. They have been delivered first to the Vice Mayor, Metropolitan Clerk or Council Staff with a request for distribution; or

3. They bear the signature of the Member of Council requesting distribution.

Additionally, Council Staff may place upon members' desks **any amendments or substitutes to resolutions or ordinances, any late-filed legislation, and** such mail as may be received that is addressed to such members.

~~Written copies of all amendments or substitutes to resolutions and ordinances, other than substitute resolutions awarding the sale of Metropolitan Government debt by public bid, must be distributed to all members not later than 1:00 p.m. on the Monday preceding a Tuesday regular meeting of the Council prior to any action being taken upon such matters by the Council or by any committee to which the matter has been referred. [Moved to Rule 15.]~~ The only other materials that may be placed upon members' desks during a meeting are materials relating to zoning legislation before the Council at that meeting.

Further, the distribution of all such materials shall be under the direction of the Metropolitan Clerk and Council Office.

#### **48. Restrictions on access to the David Scobey Council Chamber & Committee Rooms; cell phone use during sessions**

No person except those persons who are permitted in the David Scobey Council Chamber during a meeting of the Metropolitan Council under these rules may be in the Council Chamber at any time one hour prior to any meeting of the Metropolitan Council. While the Metropolitan Council is in session, no person, except those persons who are permitted in the legislative area of the Council Chamber during a meeting as provided in these rules, may be present in the committee rooms, the restrooms or hallway between the committee rooms and the legislative area of the Council Chamber. For a period of fifteen (15) minutes following the conclusion of a meeting of the Metropolitan Council, no person may enter the Council Chamber except those persons who are permitted in the legislative area of the Council Chamber as provided in these rules.

No person, including the Vice Mayor or members of Council, shall talk on mobile telephones or similar communicative devices in the Council Chamber or in committee rooms during a session in those areas.

No persons except Members of Council, employees of the Council Office, **employees of the Metropolitan Clerk's Office**, employees of the Mayor's Office, the Director of Finance, Metropolitan Attorneys, ~~and~~ employees of the Planning Department, **authorized security personnel**, and appropriate I.T.S. staff may be present on the floor of the legislative area during any meeting of the Council. Members of the press shall be permitted to sit at the front of the Council Chamber on either side of the dais.

#### **49. Broadcast of meetings**

Rules for televising and radio broadcasting of meetings of the Metropolitan Council: All licensed commercial television and radio stations in The Metropolitan Government of Nashville and Davidson

County shall be eligible to broadcast meetings of the Metropolitan Council subject to compliance with the following rules:

- (a) Authority to broadcast or televise shall be obtained by applying in writing to the Rules, Confirmations, and Public Elections Committee of the Metropolitan Council. No exclusive authority to broadcast shall be granted to any station or stations.
- (b) Sufficient equipment shall be provided by the radio stations so as to ensure all Council members being heard from their respective seats. Neither personnel nor equipment shall interfere with the orderly procedure of the Council meetings.
- (c) The nature of all commercial sponsorship shall be in keeping with a high degree of dignity of the Council. All sponsors shall be approved by the Rules, Confirmations, and Public Elections Committee in advance of broadcasting.
- (d) Each broadcast shall be of the complete proceedings.

#### **50. Tobacco use in chamber prohibited**

Smoking and all other uses of tobacco shall be prohibited in the David Scobey Council Chamber at all times. The Metropolitan Clerk may formulate and enforce further policies for the general maintenance and upkeep of the Council Chamber.

#### **51. Adoption of Rules of Procedure and Amendments**

The Council shall adopt permanent Rules of Procedure within the first two months of a new Council term. The permanent Rules of Procedure shall be adopted with twenty-one (21) affirmative votes of the Council. None of the standing Rules of Procedure shall be amended or repealed except by twenty-one (21) affirmative votes. No change in the permanent Rules of Procedure shall become effective until thirty (30) days after its passage. Before a proposed amendment to these rules may be considered by the Council, the Rules, Confirmations, and Public Elections Committee shall have considered the proposed amendment and a written copy of the proposed amendment shall be distributed to all members of Council.

#### **52. Suspension of rules**

In the consideration of any particular matter, any or all of these rules may be suspended by the Council unless two (2) members object to the suspension of the rules.

#### **53. Applicability of Robert's Revised Rules of Order**

In the absence of the rule upon any subject not specifically provided for in these rules, the Metropolitan Council will be governed by Robert's Revised Rules of Order.

ADOPTED: December ~~1, 2015~~ 6, 2016.

## SECOND SUBSTITUTE ORDINANCE NO. BL2016-414

**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 R6 to SP zoning for various properties along Elvira Avenue, Maynor Avenue, and Keeling Avenue, approximately 600 feet west of Anderson Place, (5.82 acres), to permit a maximum of 180 residential units, all of which is described herein (Proposal No. 2016SP-087-001).**

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 R6 to SP zoning for various properties along Elvira Avenue, Maynor Avenue, and Keeling Avenue, approximately 600 feet west of Anderson Place, (5.82 acres), being Property Parcel Nos. 061-068, 164 as designated on Map 072-05 and Property Parcel Nos. 046, 104-105 as designated on Map 072-06 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 072 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to up to 180 residential units.

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

1. Uses within this SP shall be limited to those permitted by the RM40-A Zoning District.
2. The total number of units shall not exceed a density of 36 units per acre, for a total 180 units.
3. The maximum FAR shall be 1.0
4. The maximum ISR shall be 0.75
5. 5% of all units shall be sold at or below 90% AMI.
6. Residential Units along Elvira Avenue and fronting Maynor Avenue shall be detached single family or attached townhomes not exceeding 6 units per building footprint. All such units shall be limited to parking off of a rear drive and/or rear entry garages.

7. Units along Elvira Avenue and Maynor Avenue shall be limited to a maximum of 3 stories and 45 feet in height. Units interior to the properties shall be limited to a maximum of 4 stories and 60 feet in height.
8. Units along Elvira cannot exceed 2 stories in 35 feet in height at the front setback. A minimum 5 step-back is required, after which a maximum height of 3 stories in 45 feet is allowed.
9. There shall be no driveway or vehicular connection to Maynor Avenue.
10. There shall be a formal public park or greenway located at the terminus of Maynor Avenue partially located within the unused right of way along the existing railway. Said part shall contain a minimum of 10,000 square feet of useable recreation/open space.
11. A walkable greenway shall be constructed connecting Mayor Avenue to the intersection of Elvira and Keeling Avenue. Said greenway to be built to meet ADA standards with enough width for walking and biking
12. A Traffic Access Study shall be completed prior to approval of the final site plan to determine the feasibility of making the intersection of Elvira Avenue and Keeling Avenue a "T" intersection (coinciding with an access to the development) in order to calm traffic, minimize cut thru traffic, and to create an overall safer roadway network. This "T" intersection, if warranted, will be constructed when as directed by the Traffic Access Study.
13. Sidewalks shall be constructed along the entire northern side of Elvira Avenue (minimum 4 foot grass strip and 5 foot sidewalk) from Keeling Avenue to Gallatin Pike if adequate right-of-way is present. If adequate right-of-way is not present, then sidewalks shall only be installed along the site frontage. Sidewalks shall be extended along Keeling Avenue and connect to the existing sidewalk network along the western side of Keeling Avenue.
14. Upon the submittal of a Final SP, a Traffic Study shall be completed to determine street improvements that will be required based upon future traffic flows and improvements based upon safety (street widening)
15. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40-A zoning district as of the date of the applicable request or application.
16. 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.
17. Public water and sewer construction plans, if required, must be submitted and approved prior to Final SP approval. A water and sewer availability request shall be made prior to Final SP submittal with required capacity fees paid prior to Final Site Plan/SP approval.
18. Federal Compliance All development within the boundaries of this plan meets the requirements of the Americans with Disabilities Act and the Fair Housing Act. ADA: <http://www.ada.gov/> U.S. Justice Dept.:

19. Landscaping and landscape buffers around the site frontage and perimeter shall comply with the Metro Landscape Requirements Chapter 17.24 of the Metro Zoning Code. No buffer shall be less than a standard Class "B" buffer.

20. Units facades will be constructed using 80% masonry/concrete products with vinyl being prohibited.

21. If determined necessary by Traffic Impact Study, a traffic signal shall be installed at the intersection of Dozier Place and E. Trinity Lane.

Section 5. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Scott Davis  
Member of Council

[View Sketch](#)

[View Site Plan](#)

2016SP-087-001  
Map 072-05, Parcel(s) 061-068, 164  
Map 072-06, Parcel(s) 046, 104-105  
Subarea 05, East Nashville  
District 05 (S. Davis)

A request to rezone from R6 to SP zoning for various properties along Elvira Avenue, Maynor Avenue, and Keeling Avenue, approximately 600 feet west of Anderson Place, (5.82 acres), to permit a maximum of 180 residential units, requested by Councilmember Scott Davis, applicant; various property owners.



## Elvira Avenue Specific Plan (SP)

Development Summary		Site Data Table	
SP Name	Elvira Avenue Specific Plan	Site Data	5.82
SP Number	2016SP-087-001	Existing Zoning	R6
Council District	5	Proposed Zoning	SP
Map & Parcel	Map 072-05, Parcels 061-068; 164 Map 072-06, Parcels 104-105	Allowable Land Uses	Residential

### Specific Plan (SP) Standards

1. Uses within this SP shall be limited to those permitted by the RM40-A Zoning District
2. The total number of units shall not exceed a density of 36 units per acre, for a total 180 units.
3. The maximum FAR shall be 1.0
4. The maximum ISR shall be 0.75
5. 5% of all units shall be sold at or below 90% AMI.
6. Residential Units along Elvira Avenue and fronting Maynor Avenue shall be detached single family or attached townhomes not exceeding 6 units per building footprint. All such units shall be limited to parking off of a rear drive and/or rear entry garages.
7. Units along Elvira Avenue and Maynor Avenue shall be limited to a maximum of 3 stories and 45 feet in height. Units interior to the properties shall be limited to a maximum of 4 stories and 60 feet in height.
8. Units along Elvira cannot exceed 2 stories in 35 feet in height at the front setback. A minimum 5 step-back is required, after which a maximum height of 3 stories in 45 feet is allowed.
9. There shall be no driveway or vehicular connection to Maynor Avenue.
10. There shall be a formal public park or greenway located at the terminus of Maynor Avenue partially located within the unused right of way along the existing railway. Said part shall contain a minimum of 10,000 square feet of useable recreation/open space.
11. A walkable greenway shall be constructed connecting Mayor Avenue to the intersection of Elvira and Keeling Avenue. Said greenway to be built to meet ADA standards with enough width for walking and biking
12. A Traffic Access Study shall be completed prior to approval of the final site plan to determine the feasibility of making the intersection of Elvira Avenue and Keeling Avenue a “T” intersection (coinciding with an access to the development) in order to calm traffic, minimize cut thru traffic, and to create an overall safer roadway network. This “T” intersection, if warranted, will be constructed when as directed by the Traffic Access Study.
13. Sidewalks shall be constructed along the entire northern side of Elvira Avenue (minimum 4 foot grass strip and 5 foot sidewalk) from Keeling Avenue to Gallatin Pike if adequate right-of-way is present. If adequate right-of-way is not present, then sidewalks shall only be installed along the site frontage. Sidewalks shall be extended along Keeling Avenue and connect to the existing sidewalk network along the western side of Keeling Avenue.
14. Upon the submittal of a Final SP, a Traffic Study shall be completed to determine street improvements that will be required based upon future traffic flows and improvements based upon safety (street widening)
15. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40-A zoning district as of the date of the applicable request or application.
16. 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.

17. Public water and sewer construction plans, if required, must be submitted and approved prior to Final SP approval. A water and sewer availability request shall be made prior to Final SP submittal with required capacity fees paid prior to Final Site Plan/SP approval.

18. Federal Compliance All development within the boundaries of this plan meets the requirements of the Americans with Disabilities Act and the Fair Housing Act. ADA: <http://www.ada.gov/> U.S. Justice Dept.:

19. Landscaping and landscape buffers around the site frontage and perimeter shall comply with the Metro Landscape Requirements Chapter 17.24 of the Metro Zoning Code. No buffer will be less than a standard Class "B" buffer.

20. Units facades will be constructed using 80% masonry/concrete products with vinyl being prohibited.

21. If determined necessary by Traffic Impact Study, a traffic signal shall be installed at the intersection of Dozier Place and E. Trinity Lane.

#### General Plan Consistency Note

The proposed Specific Plan is located within the East Nashville Community Plan (Subarea 5). The proposed SP is located in the T4-NE (T4 Urban Neighborhood Evolving)

It is the Intent of the T4 Urban Neighborhood Evolving is to create and enhance neighborhoods with an urban character in terms of their development pattern, building form, land use, and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle, and vehicular connectivity. The resulting development pattern may have higher densities than existing urban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice

T4 Urban Neighborhood Evolving Areas demonstrate a development pattern of moderate to high-density residential and institutional development. A variety of residential and institutional buildings are found regularly spaced with shallow setbacks and minimal spacing between buildings. Lots are generally accessed from alleys or interior drives. T4 Urban Neighborhood Evolving areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways, and existing or planned mass transit.

The properties in this SP contain 5.82 acres in size and are located clearly within a T4-NE (Neighborhood Evolving Area) that has clear and defined borders. This area has a high level of street connectivity, however many of those streets lack sidewalks. Although sidewalks will be constructed over time as the Urban area will redevelop, it is a critical requirement of this SP that sidewalks be constructed along property's entire frontage on Elvira and along Keeling Avenue connecting to an existing sidewalk that extends to Trinity Lane. Additionally other roadway improvements will be identified from a required Traffic Study that will be based upon the actual proposed residential density. Allowable densities within the T4 Urban Neighborhood Evolving Policy includes development within the RM40-a base zoning, therefore this SP meets the requirements of the current Land Use Policy.

**SUBSTITUTE ORDINANCE NO. BL2016-460**

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 RM20 to R8 zoning for properties located along Marlin Avenue, east of Sharondale Drive, (0.64 acres), all of which is described herein (Proposal No. 2016Z-130PR-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 RM20 to R8 zoning for properties located Marlin Avenue, east of Sharondale Drive, (0.64 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.

[View Sketch](#)

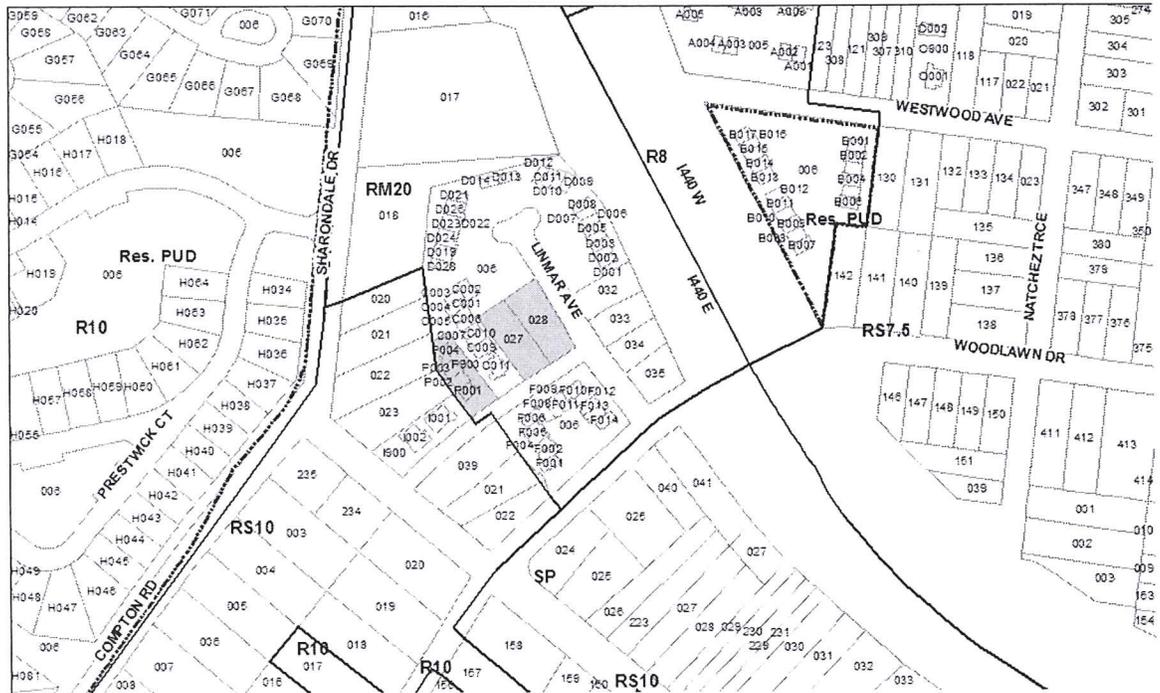
INTRODUCED BY:

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Kathleen Murphy  
Member of Council

2016Z-130PR-001  
Map 104-14, Parcel(s) 027-028  
Map 104-14-0-P, Parcel(s) 001-004, 900  
Subarea 10, Green Hills - Midtown  
District 24 (Murphy)

A request to rezone from RM20 to R8 zoning for properties located along Marlin Avenue, east of Sharondale Drive, (0.64 acres), requested by Councilmember Kathleen Murphy, applicant; various property owners.



APN	Owner	PropAddr	PropCity	PropState	PropZip
10414002800	2800 MARLIN, LLC	2800 MARLIN AVE	NASHVILLE	TN	37215
10414002700	CHEEK, H. O. ETUX	2802 MARLIN AVE	NASHVILLE	TN	37215
104140P90000CO	O.I.C. MARLIN AVENUE TOWNHOMES	NO ADDRESS	NASHVILLE	TN	00000
104140P00300CO	SMKM, LLC	2806 C MARLIN AVE	NASHVILLE	TN	37215
104140P00400CO	SMKM, LLC	2806 D MARLIN AVE	NASHVILLE	TN	37215
104140P00100CO	SMKM, LLC	2806 A MARLIN AVE	NASHVILLE	TN	37215
104140P00200CO	SMKM, LLC	2806 B MARLIN AVE	NASHVILLE	TN	37215

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

TO

ORDINANCE NO. BL2016-461

Mr. President –

I move to amend Ordinance No. BL2016-461 as follows:

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

Section 1. That Chapter 2.24 of the Metropolitan Code of Laws is hereby amended by creating a new section to read as follows:

2.24.310 – Duty to Report

(A) Any employee of any department or agency of the Metropolitan Government with knowledge based upon available information that reasonably causes the employee to believe that a theft, forgery, credit card fraud or any other intentional act of unlawful or unauthorized taking or abuse of public money, property, or services, or that other cash shortages have occurred within such department or agency, shall report that information to the metropolitan audit committee.

(B) Pursuant to Tenn. Code Ann. §9-3-406, the information received and generated pursuant to a report under subsection (A) shall be considered audit working papers and therefore not an open record pursuant to title 10, chapter 7.

(C) The Metropolitan Auditor shall have the authority to establish guidelines for such reports.

(D) As used in this section "agency" means board, commission, committee, department, office, or any other unit of the Metropolitan Government.

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

Section 2. That Chapter 2.222 of the Metropolitan Code of Laws is hereby amended by adding subsection 2.222.020(t) which shall read as follows:

2.222.020 – Standards of conduct

Employees:

...

t. Shall report to the metropolitan audit committee if the employee has ~~reason~~ knowledge based upon available information that reasonably causes the employee to believe that a theft, forgery, credit card fraud or any other intentional act of unlawful or unauthorized taking, or abuse of public money, property, or services, or that other cash shortages have occurred within the Metropolitan Government.

INTRODUCED BY:

\_\_\_\_\_  
Jim Shulman  
Member of Council, At-Large