



METROPOLITAN COUNCIL

Metro Council Office

**PROPOSED LATE ZONING
ORDINANCES, RESOLUTION,
SUBSTITUTE AND
AMENDMENTS**

ON FILE

**WITH THE METRO CLERK FOR
THE COUNCIL MEETING OF
TUESDAY, JUNE 7, 2016**



METROPOLITAN COUNCIL

Member of Council

Colby Sledge

Metro Councilman District 17
614 Moore Avenue Drive • Nashville, TN 37203
Telephone 615-812-2157 • colby.sledge@nashville.gov

June 6, 2016

TO: Vice Mayor David Briley & Members of Metro Council

FROM: Colby Sledge
Councilmember, District 17

RE: **Suspension of the Rule 11 and Rule 21**

I plan to introduce a late zoning ordinance by changing from RM20 to SP zoning for properties located at 1440 and 1500 12th Avenue, South and Wedgewood Avenue (unnumbered) northeast corner of Wedgewood Avenue and 12th Avenue, South to permit a maximum of 150 multi-family units.

A copy of the ordinance is on the reverse side of this memo. This ordinance is being submitted as an emergency late item to permit the public hearing to be held on July 5. This item will be considered at the Planning Commission meeting on June 23rd and will have a recommendation prior to the July 5 public hearing.

I am, therefore, asking your support as I request a suspension of Rule 11 and Rule 21 to allow the ordinance to be introduced this evening. Further, I respectfully request your favorable consideration.

CS/rh

ORDINANCE NO. _____

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 SP zoning for properties located at 1440 and 1500 12th Avenue South and Wedgewood Avenue (unnumbered), at the northeast corner of Wedgewood Avenue and 12th Avenue South, (approximately 1.8 acres), to permit a maximum of 150 multi-family units, all of which is described herein (Proposal No. 2016SP-045-001).

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 SP zoning for properties located at 1440 and 1500 12th Avenue South and Wedgewood Avenue (unnumbered), at the northeast corner of Wedgewood Avenue and 12th Avenue South, (approximately 1.8 acres), to permit a maximum of 150 multi-family units, being Property Parcel No. 550 as designated on Map 105-05 and Property Parcel Nos. 118, 286 as designated on Map 105-09 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on on Map 105 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 150 multi-family residential units. All other uses, including Short Term Rental Property (STRP), are prohibited.

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

1. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy

permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.

2. 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.

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 RM60-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.

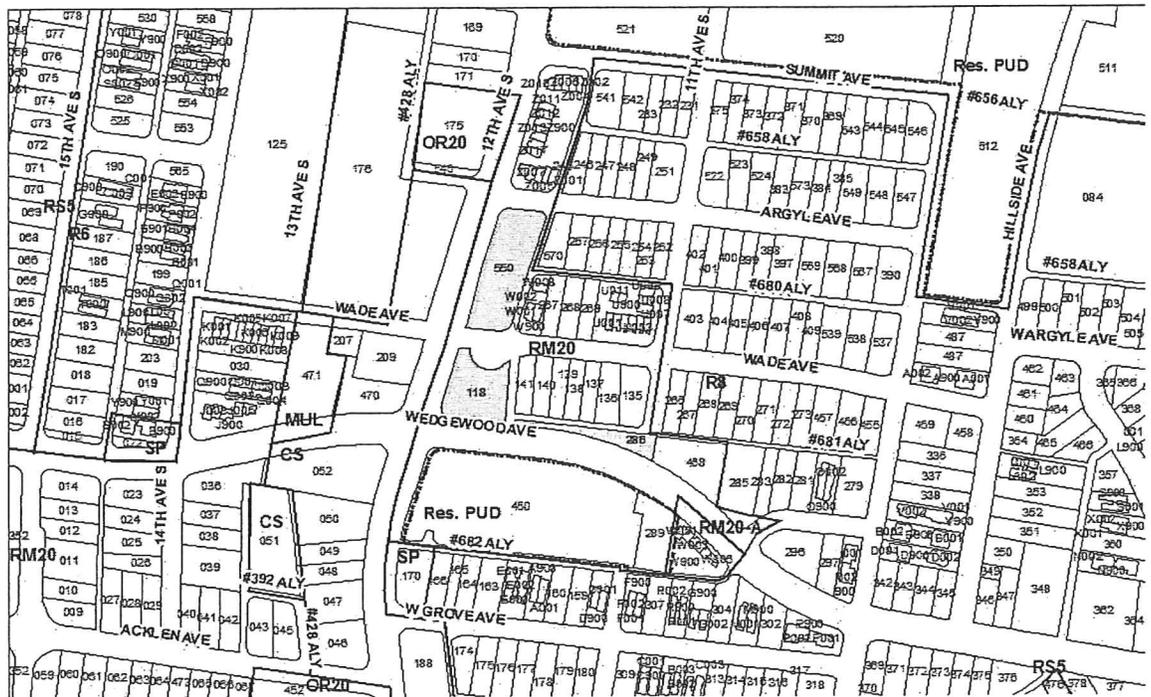
INTRODUCED BY:

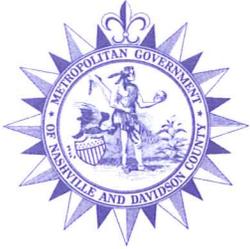
Councilmember Colby Sledge

ALL REQUIRED FEES HAVE BEEN PAID

2016SP-045-001
12TH AND WEDGEWOOD SP
Map 105-05, Parcel(s) 550
Map 105-09, Parcel(s) 118, 286
Subarea 10, Green Hills - Midtown
District 17 (Sledge)

A request to rezone from RM20 to SP zoning for properties located at 1440 and 1500 12th Avenue South and Wedgewood Avenue (unnumbered), at the northeast corner of Wedgewood Avenue and 12th Avenue South, (approximately 1.8 acres), to permit a maximum of 150 multi-family units, requested by Metro Government, applicant; Metro Government and M.D.H.A., owners.





METROPOLITAN COUNCIL

Member of Council

Ed Kindall

Councilman, District 21
2512 Scovel Street • Nashville, TN 37208
Telephone 615-321-2343

June 6, 2016

TO: Vice Mayor David Briley & Members of Metro Council

FROM: Ed Kindall
Councilmember, District 21

RE: **Suspension of the Rule 11**

I plan to introduce a late zoning ordinance by changing from RS5, R6, OL, OG, CS, IWD, and IR to ORI-A zoning for properties located at 3100 Charlotte Avenue and 405, 409, 411, 413, and 415 31st Avenue, North.

A copy of the ordinance is on the reverse side of this memo. This ordinance is being submitted as an emergency late item due to not being able to sign the bill prior to the filing deadline. By filing this bill late it will allow the public hearing to be held on July 5 and track with the schedule that is planned for this property. This item was approved by the Planning Commission on May 12th.

I am, therefore, asking your support as I request a suspension of Rule 11 to allow the ordinance to be introduced this evening. Further, I respectfully request your favorable consideration.

EK/rh

ORDINANCE NO. _____

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 RS5, R6, OL, OG, CS, IWD, and IR to ORI-A zoning for properties located at 3100 Charlotte Avenue and 405, 409, 411, 413, and 415 31st Avenue North, at the corner of 31st Avenue North and Charlotte Avenue (2.86 acres), all of which is described herein (Proposal No. 2016Z-048PR-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 RS5, R6, OL, OG, CS, IWD, and IR to ORI-A zoning for properties located at 3100 Charlotte Avenue and 405, 409, 411, 413, and 415 31st Avenue North, at the corner of 31st Avenue North and Charlotte Avenue (2.86 acres), being Property Parcel Nos. 058, 059, 061, 062, 063, 064 as designated on Map 092-10 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 092 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

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

INTRODUCED BY:

Councilmember Ed Kindall

Approved. (8-0-1)
APPROVED ON May 19, 2016 BY THE
METROPOLITAN PLANNING COMMISSION.



EXECUTIVE DIRECTOR & SECRETARY

2016Z-048PR-001
Map 092-10, Parcel(s) 058-059, 061-064
Subarea 08, North Nashville
District 21 (Ed Kindall)

A request to rezone from RS5, R6, OL, OG, CS, IWD, and IR to ORI-A zoning for properties located at 3100 Charlotte Avenue and 405, 409, 411, 413, and 415 31st Avenue North, at the corner of 31st Avenue North and Charlotte Avenue (2.86 acres), requested by Gilbert Smith, applicant; Gilbert Smith, Charlotte Realty Company, and Crow Mini 6, LLC et al, owners.



RESOLUTION NO. _____

A resolution confirming the appointment of David McMurry to serve on the board of directors of The Convention Center Authority of the Metropolitan Government of Nashville and Davidson County for the remainder of the unexpired term of Waverly D. Crenshaw, Jr., following his resignation.

WHEREAS, by Resolution No. RS2009-881 duly adopted on August 18, 2009, the Metropolitan County Council has, pursuant to the Convention Center Authorities Act of 2009, 2009 Public Acts of Tennessee, Chap. 474 (to be codified at Title 7, Chapter 89)(the "Act") authorized and approved the creation of The Convention Center Authority of the Metropolitan Government of Nashville and Davidson County; and,

WHEREAS, the Act provides that all members of the board of directors shall be appointed by the Mayor and confirmed by resolution of the governing body of the Metropolitan Government of Nashville and Davidson County; and,

WHEREAS, the Act provides that all members of the board of directors be duly qualified voters in Davidson County; and,

WHEREAS, the Act provides that neither an elected official nor an employee of the Metropolitan Government of Nashville and Davidson County may serve as a member of the board of directors; and,

WHEREAS, the Act provides that if a vacancy occurs in the position of director, the vacancy shall be filled in the same manner as the original term for the remainder of the unexpired term; and,

WHEREAS, Waverly D. Crenshaw, Jr., who was confirmed as a director by Resolution RS2014-972 for a four year term, resigned from his position as a director of the Convention Center Authority as a result of his appointment as a District Judge of the United States District Court for the Middle District of Tennessee; and,

WHEREAS, the Mayor has appointed David McMurry to serve on the board of directors for the remainder of Mr. Crenshaw's term expiring January 20, 2018.

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

Section 1. David McMurry, who is a duly qualified voter in Davidson County and who is not an elected officer of or employed by the Metropolitan Government of Nashville and Davidson County, is hereby confirmed as a director of the Convention Center Authority of the Metropolitan Government of Nashville and Davidson County to fill the remainder of the term of

Waverly D. Crenshaw, Jr., expiring on January 20, 2018; provided, however, that if at the expiration of said term, a successor thereto shall not have been appointed, then such person whose term has so expired shall nevertheless continue to hold office until a successor shall be so appointed.

Section 2. All Resolutions, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Section 3. That this Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED AS TO
FORM AND LEGALITY:

INTRODUCED BY:

Metropolitan Attorney

Jim Shulman
Member of Council

SUBSTITUTE RESOLUTION NO. RS2016-270

A resolution requesting the Civil Service Commission to establish and implement a parental and sick leave policy allowing maternity and paternity leave for employees of the Metropolitan Government of Nashville & Davidson County.

WHEREAS, the Metropolitan Government of Nashville & Davidson County is imbued with an outstanding workforce that works every day to make Nashville a better place to live for all residents; and

WHEREAS, the citizens of Nashville value the benefits and needs of family life and the necessity of maintaining work-life balance; and

WHEREAS, the federal Family and Medical Leave Act of 1993, 29 U.S.C. §§2601-2654 (FMLA) provides a framework for employees to take time away from their job in order to care for family members, but does not ensure pay for that time; and

WHEREAS, it is important that Nashville remain competitive in our ability to attract and retain the best and brightest workforce in order to continue providing the highest level of service to its citizens; and

WHEREAS, the Metropolitan Government of Nashville & Davidson County constantly seeks to improve and update available benefits for its employees in order to recruit talented people who are successful in their fields and to encourage existing employees to continue working here; and

WHEREAS, many private and public companies and institutions currently allow their employees to take time off when they have children, and many of these companies and institutions offer the same amount of time off for both male and female employees in recognition of the shared duties of parenting a newborn or newly adopted child; and

WHEREAS, flexibility to care for newborn and adopted children has become a highly valued benefit that contributes to workforce retention; and

WHEREAS, Nashville competes for workforce talent with many employers who offer paid maternity and paternity leave; and

WHEREAS, the Metropolitan Government of Nashville & Davidson County has undertaken efforts to be a more family-friendly city and to set an example for private enterprise in reaching this goal; and

WHEREAS, the benefits of paid leave for new parents should be made available to both female and male employees in recognition of the shared duties of parenting a newborn or newly adopted child.

Now, therefore, be it resolved by the Council of The Metropolitan Government of Nashville and Davidson County:

Section 1. That the Metropolitan Council hereby goes on record as requesting that the Civil Service Commission establish and implement a parental and sick leave policy under which

employees of the Metropolitan Government of Nashville & Davidson County who are new parents receive paid maternity and/or paternity leave following the birth or adoption of a child.

Section 2. That the Civil Service Commission submit to the Metropolitan Council its recommendations for such policy within ninety (90) days of the passage of this Resolution.

Section 3. That the Metropolitan Clerk deliver a copy of this Resolution to the individual members of the Civil Service Commission and to Veronica T. Frazier, Director of the Metropolitan Department of Human Resources.

Section 4. That this Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Anthony Davis

Sheri Weiner
Members of Council

Amendment No. 1
To
Resolution No. RS2016-251

Mr. President,

I move to amend Resolution No. RS2016-251 by deleting the following text:

“Section 1. That the contract between the Metropolitan Government of Nashville and Davidson County and Constant Capital Corp. for the lease of buses, attached hereto, is hereby approved.”

and substituting in lieu thereof the following:

“Section 1. That the contract between the Metropolitan Government of Nashville and Davidson County and Central States Bus Sales Inc. for the lease of buses, attached hereto, is hereby approved.”

INTRODUCED BY:

Member(s) of Council

Amendment No. 1

To

Ordinance No. BL2016-235

Mr. President:

I move to amend Ordinance No. BL2016-235 as follows:

1. Section 4 of Ordinance No. BL 2016-235 is hereby deleted in its entirety and replaced with the following:

Section 4. That subsection 2.62.030.F. shall be and is hereby amended by deleting the following phrase: "a thirty-dollar processing fee, in the form of a check or money order payable to the mayor's office of film and special events," and replacing it with the following: "a thirty dollar permit fee, and in addition a one-hundred dollar administrative fee for the cost of processing the application for an event being held within the Right of Way Permit High Impact Area (as defined in Metropolitan Code Section 13.20.030.D.1.), in the form of checks or money orders payable to the mayor's office of film and special events. For events being held outside of the Right of Way Permit High Impact Area, the administrative fee for the cost of processing the application shall be fifty dollars, in the form of checks or money orders payable to the mayor's office of film and special events."

2. Section 5 of Ordinance No. BL2016-235 is hereby deleted in its entirety and replaced with the following:

Section 5. That subsection 2.62.040.F. shall be and is hereby amended by deleting the following phrase, "a thirty-dollar processing fee, in the form of a check or money order payable to the mayor's office of film and special events" and replacing it with the following: "a two-hundred and thirty dollar permit fee, and in addition a one-hundred dollar administrative fee for the cost of processing the application for an event being held within the Right of Way Permit High Impact Area (as defined in Metropolitan Code Section 13.20.030.D.1.), in the form of checks or money orders payable to the mayor's office of film and special events. For events being held outside of the Right of Way Permit High Impact Area, the administrative fee for the cost of processing the application shall be fifty dollars, in the form of checks or money orders payable to the mayor's office of film and special events. In addition, there shall be a one-hundred and twenty dollar fee per inspector required for the special event."

3. Section 6 of Ordinance No. BL2016-235 is hereby deleted in its entirety and replaced with the following:

Section 6. That subsection 2.62.050.D. shall be and is hereby amended by inserting the following sentence in between the first and second sentences thereof: "In addition, an administrative fee of one-hundred dollars shall be paid for the cost of processing the

application for an event being held within the Right of Way Permit High Impact Area (as defined in Metropolitan Code Section 13.20.030.D.1.), in the form of checks or money orders payable to the mayor's office of film and special events. For events being held outside of the Right of Way Permit High Impact Area, the administrative fee for the cost of processing the application shall be fifty dollars, in the form of checks or money orders payable to the mayor's office of film and special events.

4. Section 7 of Ordinance No. BL2016-235 is hereby deleted in its entirety and replaced with the following:

Section 7. That Chapter 12.56 of the Metropolitan Code is hereby amended to add a new section thereto providing as follows:

Assistance of Mayor's Office of Film and Special Events and Department of Public Works; Fees.

The Mayor's Office of Film and Special Events and the Department of Public Works shall assist the Chief of Police in facilitating the processing of applications for and in the issuance of the parade permits provided for in this chapter. In connection therewith, with regard to parades being held for a recreational purpose, an administrative fee of one-hundred dollars shall be paid by the applicant for the cost of facilitating the application for an event being held within the Right of Way Permit High Impact Area (as defined in Metropolitan Code Section 13.20.030.D.1.), in the form of checks or money orders payable to the mayor's office of film and special events. For events being held outside of the Right of Way Permit High Impact Area, the administrative fee for the cost of facilitating the application shall be fifty dollars, in the form of checks or money orders payable to the mayor's office of film and special events. If a parade permit for a parade with a recreational purpose involves the closure of up to 15 street lengths (with a "street length" meaning a distance of 450 linear feet measured parallel to the center line), the applicant shall pay to the Department of Public Works an additional fee of thirty-one dollars for each street length of street closed. If a parade permit for a parade with a recreational purpose involves the closure of a length of street greater than fifteen street lengths, the applicant shall pay to the Department of Public Works an additional fee of fifty-six dollars for each street length of street closed. An additional fee of one-hundred and twenty dollars shall be paid per inspector required for the parade. All of these charges shall be in addition to fees paid for temporary street closures as is provided in Metropolitan Code Section 13.20.030.

Introduced By:

Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-240

Mr. President –

I move to amend Ordinance No. BL2016-240 as follows:

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

Section 2. Chapter 13.20, EXCAVATIONS AND OBSTRUCTIONS, of the Metropolitan Code is amended as follows:

Subsection E of Section 13.20.030 (Obstruction Permits) is amended by adding the following at the end of that subsection:

3. For permits that close an entire thoroughfare for over 20 days that prevents movement of vehicles, pedestrians and/or bicycles, the permit applicant shall submit a temporary traffic control plan to the director, including how it will inform drivers, cyclists and pedestrians in advance of the closed right of way.

4. No permit for a right of way, street, lane or sidewalk temporary closure shall be issued for greater than ninety days without the permission of the Metro Council. No right of way, street, lane or sidewalk can be closed for greater than ninety days without the permission of the Metro Council.

5. Applications for closures over ninety days must state why the closure is needed, how the related project cannot be completed without the closure, why other mitigation efforts would not accomplish similar reasons for the closure. Instead of granting a permit a right of way, the Director may require reasonable mitigation efforts for all or a portion of the right of way the permit requests.

II. By renumbering original Section 2 of the Ordinance as “Section 3”.

INTRODUCED BY:

Jeremy Elrod
Member of Council