



Metropolitan Council
PROPOSED AMENDMENTS TO
ORDINANCES, AND
AMENDMENTS TO
RESOLUTIONS TO BE FILED
WITH THE METRO CLERK
FOR THE COUNCIL MEETING OF
TUESDAY, AUGUST 7, 2018

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2018-1272

Madam President,

I hereby move to amend Ordinance No. BL2018-1272 as follows:

I. By amending Section 4 to add the following condition as the seventh condition thereto:

7. There shall be no pole signs allowed, and all free standing signs shall be monument type not to exceed seven feet (7') in height. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.

INTRODUCED BY:

Fabian Bedne
Member of Council

AMENDMENT NO. ___

TO

ORDINANCE NO. BL2018-1276

Madam President:

I move to amend BL2018-1276 as follows:

By adding the following language as a new Section 2 and renumbering the subsequent sections:

Be it further enacted that pursuant to Section 17.40.160 E. of the Metropolitan Code, in addition to all uses permitted by the base zoning, RS7.5, the following additional uses shall be permitted within the Neighborhood Landmark Overlay District:

- a. Multimedia Production use; and
- b. a Detached Accessory Dwelling Unit (DADU).

INTRODUCED BY:

Anthony Davis
Member of Council

AMENDMENT NO. A
TO
RESOLUTION NO. RS2018-1314

Madam President –

I move to amend Resolution No. RS2018-1314 as follows:

I. By amending Proposed Charter Amendment F by deleting the amendment in its entirety and substituting in lieu thereof the following:

AMENDMENT NO. F

- I. The Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by replacing every instance of “he” (unless followed by “or she”) with “he or she”, by replacing every instance of “his” (unless followed by “or her”) with “his or her”, and by replacing every instance of “him” (unless followed by “or her”) with “him or her”.
- II. The Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by replacing every instance of “councilman” with “councilmember”, and by replacing every instance of “councilmen” with “councilmembers”.
- III. The Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by replacing every instance of “policemen” to “police officers”.

FOR THE BALLOT

This amendment would update the Metropolitan Charter with gender neutral references in place of masculine-only pronouns. References to “he” would be changed to “he or she”; “his” would be changed to “his or her”; “him” would be changed to “him or her”; “councilman” and councilmen” would be changed to “councilmember” and “councilmembers” respectively; and “policemen” would be changed to “police officers.” ~~Minor typographical errors would also be corrected.~~

INTRODUCED BY:

Angie Henderson

Dave Rosenberg
Members of Council

AMENDMENT NO. B
TO
RESOLUTION NO. RS2018-1314

Madam President –

I move to amend Resolution No. RS2018-1314 as follows:

I. By amending Proposed Charter Amendment B by deleting the amendment in its entirety and substituting in lieu thereof the following:

AMENDMENT NO. B

I. Section 15.03 of Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by deleting the provision in its entirety and substituting in lieu thereof the following new provision:

“Section 15.03 – Elections subsequent to vacancies

A. Whenever a vacancy in the office of mayor shall exist more than twelve (12) months prior to the expiration of the term, a special election shall be held in accordance with Tennessee Code Annotated section 2-14-102.

B. Whenever a vacancy in the office of vice mayor shall exist more than twenty-four (24) months prior to the expiration of the term, a special election shall be held in accordance with Tennessee Code Annotated section 2-14-102.

C. Whenever a vacancy in the office of district council member shall exist more than ~~six (6)~~ eight (8) months prior to the expiration of the term, a special election shall be held in accordance with Tennessee Code Annotated section 2-14-102.

D. Whenever a vacancy in the office of councilmember-at-large shall exist, no special election shall take place and the office shall remain vacant for the remainder of the term.

E. Whenever a special election is called for by this section, such special election shall be ordered by the county commissioners of elections and they shall give notice thereof as provided by Tennessee Code Annotated section 2-14-105.

F. If in such a special election to fill a vacancy for the unexpired term of the office of mayor, no candidate shall receive a majority of all the votes cast for such office, a runoff election shall be held five (5) weeks subsequent to the first special election to fill a vacancy in accordance with the provisions hereinbefore set forth in the case of a general metropolitan election.

G. If in such a special election to fill a vacancy for the unexpired term of the office of vice mayor or district council member no candidate shall receive a majority of all the votes cast

for such office, a runoff election shall be held in the manner prescribed in Part F of this section.

H. The provisions of section 15.01 hereof with respect to voting in general metropolitan elections and with respect to qualifying as a candidate shall apply to special elections at which time a vacancy is filled.

I. Any unfilled vacancy in existence at the time of the adoption of this amendment, and any subsequent vacancy, shall be subject to the provisions of this section.”

FOR THE BALLOT

Amendment No. ____

This amendment would require a special election for mayor when more than twelve (12) months remain in the unexpired term, for vice mayor when more than twenty-four (24) months remain in the unexpired term, and for district council member when more than ~~six (6)~~ eight (8) months remain in the unexpired term and clarify that no special election for councilmember-at-large be held.

INTRODUCED BY:

Dave Rosenberg
Member of Council

AMENDMENT NO. C
TO
RESOLUTION NO. RS2018-1314

Madam President –

I move to amend Resolution No. RS2018-1314 as follows:

I. By amending Proposed Charter Amendment C by deleting the amendment in its entirety and substituting in lieu thereof the following:

AMENDMENT NO. C

I. Section 15.03 of Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by deleting subsection G and substituting the following as subsection G, provided subsection G exists in this section:

“G. In such a special election to fill a vacancy for the unexpired term of the office of vice mayor or district council member, the winner shall be determined using instant runoff voting as described in section 15.11 hereof. In the event that this method becomes repugnant to state law, a runoff election shall be held in the manner prescribed in Part F of this section.”

II. Section 15.03 of Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by deleting the provision in its entirety and substituting in lieu thereof the following new provision, provided subsection G does not exist in this section:

“There shall be held a special metropolitan election to fill a vacancy for the unexpired term in the office of mayor and in the office of district council member whenever such vacancy shall exist more than twelve (12) months prior to the date of the next general metropolitan election. The special election shall be ordered by the county commissioners of elections and they shall give notice thereof as provided by Tennessee Code Annotated section 2-14-105. When a vacancy exists in the office of vice mayor or in the office of councilmember-at-large, said office shall remain vacant until the next general election at which time such vacancy shall be filled; however, in no event shall a special election be held to fill such vacancy. If in such special election to fill a vacancy for the unexpired term of the office of mayor or district council member, no candidate shall receive a majority of all the votes cast for such office, a runoff election shall be held five (5) weeks subsequent to the first special election to fill a vacancy in accordance with the provisions hereinbefore set forth in the case of a general metropolitan election. If in the general election at which time a vacancy in the office of vice mayor or councilmember at-large, no candidate shall receive a majority of all the votes cast for such office, the winner shall be determined using instant runoff voting as described in section 15.11 hereof. In the event that this method becomes repugnant to state law, a runoff election shall be held in the manner prescribed in this section for the office of mayor. The provisions of section 15.01 hereof with respect to voting in general metropolitan elections and with respect to qualifying as a candidate shall apply to special elections and to general elections at which time a vacancy is filled.”

III. Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by adding the following new section 15.11:

Section 15.11 – Instant Runoff Voting

"Instant runoff voting" means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which last-place candidates are defeated, and the candidate with the most votes in the final round is elected. For offices elected by instant runoff voting, the ballot must be simple and easy to understand and allow a voter to rank candidates for an office in order of preference. A voter may include no more than one write-in candidate among that voter's ranked choices for each office.

A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- a. "Batch elimination" means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.
- b. "Continuing ballot" means a ballot that is not an exhausted ballot.
- c. "Continuing candidate" means a candidate who has not been defeated.
- d. "Exhausted ballot" means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking or contains 2 or more sequential skipped rankings before its highest continuing ranking.
- e. "Highest continuing ranking" means the highest ranking on a voter's ballot for a continuing candidate.
- f. "Last-place candidate" means the candidate with the fewest votes in a round of the instant runoff voting tabulation.
- g. "Mathematically impossible to be elected," with respect to a candidate, means either:
 - i. The candidate cannot be elected because the candidate's vote total in a round of the instant runoff voting tabulation plus all votes that could possibly be transferred to the candidate in future rounds from candidates with fewer votes or an equal number of votes would not be enough to surpass the candidate with the next-higher vote total in the round; or
 - ii. The candidate has a lower vote total than a candidate described in subparagraph (i) above.
- h. "Overvote" means a circumstance in which a voter has ranked more than one candidate at the same ranking.
- i. "Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number 2 is the next-highest ranking and so on.
- j. "Round" means an instance of the sequence of voting tabulation steps established in subsection ~~2~~ B.

k. "Skipped ranking" means a circumstance in which a voter has left a ranking blank and ranks a candidate at a subsequent ranking.

B. Procedures. Except as provided in subsections ~~3-C~~ and ~~4-D~~, the following procedures are used to determine the winner in an election for an office elected by instant runoff voting. Tabulation must proceed in rounds. In each round, the number of votes for each continuing candidate must be counted. Each continuing ballot counts as one vote for its highest-ranked continuing candidate for that round. Exhausted ballots are not counted for any continuing candidate. The round then ends with one of the following 2 potential outcomes.

a. If there are 2 or fewer continuing candidates, the candidate with the most votes is declared the winner of the election.

b. If there are more than 2 continuing candidates, the last-place candidate is defeated and a new round begins.

C. Ties. A tie under this section between candidates for the most votes in the final round or a tie between last-place candidates in any round must be decided by tallying and comparing the number of first place rankings, and the candidate with the most first place rankings prevails. If the number of first place rankings is the same for both candidates, then second place rankings would be tallied and compared, and continuing down the rankings until a difference is established. The result of the tie resolution must be recorded and reused in the event of a recount. Election officials may resolve prospective ties between candidates before the election.

D. Modification of instant runoff voting ballot and tabulation. Modification of an instant runoff voting ballot and tabulation is permitted in accordance with the following.

a. The number of allowable rankings may be limited to no fewer than 6.

b. Two or more candidates may be defeated simultaneously by batch elimination in any round of tabulation."

FOR THE BALLOT

Amendment No. ____

This amendment would eliminate runoff elections for vice mayor and district council member. Instead, voters would rank candidates in order of preference. A candidate receiving a majority of first-preferences for that office would win the election. If no candidate receives such a majority, the lowest-scoring candidate is eliminated and his or her votes are redistributed to remaining non-eliminated candidates based upon the eliminated candidate's voters' order of preference. This would continue until one candidate receives a majority of the votes.

INTRODUCED BY:

Dave Rosenberg
Member of Council

AMENDMENT NO. A

TO

SECOND SUBSTITUTE ORDINANCE NO. BL2018-1202

Madam President –

I move to amend Second Substitute Ordinance No. BL2018-1202 as follows:

I. By amending the first recital clause by deleting it in its entirety and substituting the following in lieu thereof:

WHEREAS, the Metropolitan Government of Nashville and Davidson County has a fundamental responsibility to ensure safe passage on public rights-of-way, to protect public health, safety and welfare, and govern commerce in the public right-of-way; and,

II. By amending the eleventh recital clause by deleting it in its entirety and substituting the following in lieu thereof:

WHEREAS, it is the desire of the ~~Metropolitan~~ Council for the Metropolitan Government of Nashville and Davidson County to partner with private entities to make new and innovative transportation options widely available to Nashville residents and visitors; and,

III. By amending Section 1 by deleting from Section 12.62.010 the definitions for “Business District” and for “Urban Mobility Device (UMD)” and substituting respectively therefore the following:

“Business District”, as defined in Tenn. Code Ann. §55-8-101(9), means an area of at least one full block of retail shops or offices fronting a sidewalk that has steady pedestrian traffic the territory contiguous to and including a highway when, within any six hundred feet (600’) along the highway, there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, or office buildings, railroad stations and public buildings that occupy at least three hundred feet (300’) of frontage on one (1) side or three hundred feet (300’) collectively on both sides of the highway.

“Urban Mobility Device (UMD)” means bicycles, tricycles, scooters, hoverboards, skateboards, pedal cars, ~~segways~~, and other similar devices, whether they are powered or nonpowered. A UMD does not include devices used as assistive mobility devices by persons with disabilities.

III. By amending Section 1 by deleting Subsections 12.62.020.B.1.d through e, and substituting therefore the following:

- d. A written plan for educating users on proper SUMD operation and parking;
- e. A written plan for providing ~~an equitable SUMD service~~ equitable access in neighborhoods and to communities and users that are underserved by mobility and transportation options, as described in section 12.62.090 of this chapter; and
- f. A written plan for complying with this ordinance and its requirements.

IV. By amending Section 1 by deleting Subsections 12.62.020.F through G, and substituting therefore the following:

- F. ~~Permitted operators~~ are not entitled to and have no automatic right to renewal of their permit, and operators must comply with any and all ordinances, regulations or policies that are duly and lawfully adopted by the Metropolitan Government after a permit is approved.
- G. Any operator determined to have operated without a proper permit within the ~~limits geographic boundaries of the Metropolitan Government of Nashville and Davidson County~~ after June 15, 2018 shall be prohibited from obtaining a permit for one (1) year from the effective date of this ordinance.

V. By amending Section 1 by deleting Subsections 12.62.030.A through D, and substituting therefore the following:

Section 12.62.030 – Safety Regulations

- A. To be eligible for a permit, the following standards must be met:
 - 1. All bicycles used by operators issued a permit under this chapter shall meet the standards set forth in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Regulations for Bicycles and ISO 43.150 – Cycles, subsection 4210. All bicycles shall meet the requirements for lights during hours of darkness described in Tennessee Code Annotated § 55-8-177. This includes a front light that emits white light and a rear red reflector.
 - 2. All electric bicycles used by operators issued a permit under this chapter shall meet the standards set forth for bicycles, including a front light that emits white light and a rear red reflector, and shall meet the National Highway Traffic Safety Administration definition of low-speed electric bicycle. Each electric bicycle must have fully operable pedals, two (2) or three (3) wheels, any of which is twenty inches (20") or more in diameter, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. An electric bicycle must meet the standards set forth in Tennessee Code Annotated Title 55, Chapter 8, Part 3. If ~~the Metropolitan Government~~ it is determineds that any battery or motor on an electric bicycle is unsafe for public use, ~~it—the Metropolitan Government~~ reserves the right to terminate the permit issued under this pilot program.
 - 3. All electric scooters used by operators issued a permit under this chapter shall meet the standards set forth for electric bicycles, including a front light that emits white light and a rear red reflector, except an electric scooter need not have fully operable pedals nor wheels of twenty inches (20") or more in diameter. An electric scooter shall have a foot board for the user to stand upon and no seat. Each scooter shall have a top motor-powered speed of less than ~~20~~ 15 miles per hour when operated by a rider weighing 170 pounds. If ~~the Metropolitan Government~~ it is determineds that any battery or motor on an electric scooter is unsafe for public use, ~~it—the Metropolitan Government~~ reserves the right to terminate the permit issued under this pilot program.
 - 4. The MTLC is authorized to adopt safety standards to address other types of UMD's, including but not limited to (non-electric) types of powered UMD's, if it chooses to allow them.
- B. All operators permitted pursuant to this program shall provide a mechanism for users to notify the operator of any safety or maintenance issues with the SUMDs.
- C. All operators shall affix to any SUMD visible language that notifies the user:
 - 1. A SUMD shall not be operated upon a sidewalk within a business district.

2. Whenever operating a SUMD upon a sidewalk, the user shall yield to any pedestrian and shall give ~~an audible signal~~ a signal audible to such pedestrian before overtaking and passing ~~such pedestrian~~ him or her.
 3. Helmet use is encouraged while riding.
 4. When riding on a street, users must follow the rules of the road as one would in a motor vehicle.
 5. All operators must provide a 24-hour customer service phone number for users and the general public to report safety concerns, complaints or ask questions.
 6. Each SUMD must be labeled with a unique identifier.
- D. All permitted operators shall have a minimum of one million dollars (\$1,000,000) in automobile insurance and two million dollars (\$2,000,000) per occurrence in commercial general liability insurance. The Certificate Holder's Insurance shall be primary for any liability arising out of its User's use of that Certificate Holder's SUMD.

VI. By amending Section 1 by deleting Subsection 12.62.040.C, and substituting therefore the following:

- C. Any SUMD parked in any one location for more than two (2) consecutive days without moving may be removed by the department of public works and taken to a facility designated by the department for storage at the expense of the operator. ~~The Metropolitan Government~~ department of public works shall invoice the operator.

VII. By amending Section 1 by deleting Subsections 12.62.040.L through M, and substituting therefore the following:

- L. An operator shall not allow an SUMD that meets the definition of a motorized vehicle to be operated by any person who does not have a valid driver's license.
- M. In addition to penalties assessed for any separate violation of Tennessee law or Metropolitan Code of Laws, ~~Any~~ violation of this ordinance by a user in the operation or parking of a SUMD shall be a fine of twenty-five dollars (\$25) ~~.-The fine shall to be~~ assessed on the SUMD and paid by the owner of the SUMD.

VIII. By amending Section 1 by deleting Subsections 12.62.050.D, and substituting therefore the following:

- D. All permitted operators shall provide the ~~Metropolitan Government~~ Metropolitan Transportation Licensing Commission (MTLC) with contact information, such as name, phone number, and email, of a Nashville-based manager or operations staff available 24 hours a day, 7 days a week. The Nashville-based manager or operations staff shall be capable of re-balancing or relocating SUMDs and be able to respond to requests, emergencies, and other issues at any time.

IX. By amending Section 1 by deleting Subsections 12.62.050.K through M, and substituting therefore the following:

- K. ~~The Metropolitan Government~~ MTLC and the Metropolitan Nashville Police Department shall establish, and all permitted operators shall comply with, procedures and protocol in the event of extreme weather, emergencies, and special or large events.
- L. Permitted operators shall respond to reports of incorrectly parked SUMDs, requests for rebalancing, or requests for relocation of SUMDs, and must take corrective action within forty-eight (48) hours of notification.
- M. ~~The MTLC and the Metropolitan Traffic and Parking Commission,~~ and its their respective ~~staffs,~~ has have the power and are authorized to do all acts and things necessary or convenient to implement this ordinance, compel compliance with this

ordinance, to promote and protect public safety, and to ensure the right of way is not impeded.

X. By amending Section 1 by deleting Section 12.62.060 in its entirety and substituting therefore the following:

Section 12.62.060 – Data Sharing

A. Permitted operators shall provide the Metropolitan Government and its departments Information Technology Services Department (“Metro ITS”) with real-time information on their entire Nashville fleet within Nashville and Davidson County through a documented application program interface (API). ~~The permitted operator is directly responsible for providing an API key and REST specifications to Metro ITS. The data available must at least include the following information in real time for every SUMD parked in the Metropolitan Government operational area: The permitted operator is directly responsible for obtaining an API key from the Metropolitan Government to which the operator will publish the data described below. The data to be published to the API will include the following information in real time for every SUMD parked in the Nashville operational area:~~

- a. ~~Point location~~
- b. ~~Bicycle or scooter SUMD identification number~~
- c. ~~Type of SUMD (standard or powered)~~
- d. ~~Fuel level (if powered)~~

<u>Field Name</u>	<u>Format</u>	<u>Description</u>
<u>GPS Latitude</u>	<u>Decimal (12,9)</u>	<u>Point location X</u>
<u>GPS Longitude</u>	<u>Decimal (12,9)</u>	<u>Point location Y</u>
<u>SUMD ID number</u>	<u>Varchar (25)</u>	<u>SUMD Type + Unique identifier for every SUMD, determined by company</u>
<u>Type of SUMD</u>	<u>Varchar (25)</u>	<u>“Standard” or “Powered”</u>
<u>Fuel/charge level</u>	<u>Decimal (5,4)</u>	<u>Ratio of charge level to full charge (50.1234%)</u>
<u>SUMD Group</u>	<u>Varchar (25)</u>	<u>Name of the SUMD group (“bicycle”, “tricycle”, “scooter”, “hover board”, “skateboard”, “pedal car” or “other”)</u>
<u>Current rental rate per minute</u>	<u>Decimal (5,2)</u>	

- B. The Metropolitan Government is permitted to display real-time data provided via the API described in 12.62.060.A.
- C. The Metropolitan Government is able to publish real-time SUMD availability data to the public.
- D. All permitted operators shall provide the following anonymized data for each trip record to inform and support safe and effective management of the SUMD system, and for transportation

planning efforts. The permitted operator is directly responsible for providing an API key and specifications to Metro ITS based on the following: Data will be submitted to the Metropolitan Government via an API to be distributed by the Metropolitan Government.

Field Name	Format	Description
Company Name	{company name}	n/a
Type of SUMD	"Standard" or "Powered"	3 letter company acronym + consecutive trip #
Trip record number	Xxx#, xxx#+1, xxx#+2, ...	n/a
SUMD ID number	xxx1, xxx2	Unique identifier for every SUMD, determined by company
Trip duration	HH:MM:SS	n/a
Trip distance	Feet	n/a
Start date	MM, DD, YYYY	n/a
End date	HH:MM:SS (00:00:00 – 23:59:59)	n/a
Start location	Census block	n/a
End location	Census block	n/a
Trip Route	GPS coordinates	GPS coordinates for entire trip duration and distance

<u>Field Name</u>	<u>Format</u>	<u>Description</u>
<u>Company Name</u>	<u>Varchar (25)</u>	<u>Company Name</u>
<u>Type of SUMD</u>	<u>Varchar (25)</u>	<u>"Standard" or "Powered"</u>
<u>SUMD Group</u>	<u>Varchar (25)</u>	<u>Name of the SUMD group</u>
<u>Trip record number</u>	<u>Varchar (25)</u>	<u>3 letter company acronym + consecutive trip #, Xxx#, xxx#+1, xxx#+2, ...</u>
<u>SUMD ID number</u>	<u>Varchar (25)</u>	<u>SUMD Type + Unique identifier for every SUMD, determined by company</u>
<u>Trip duration</u>	<u>Decimal (9,3)</u>	<u>Minutes</u>
<u>Trip distance</u>	<u>Decimal (5,4)</u>	<u>Feet</u>
<u>Start date</u>	<u>Date (YYYY-MM-DD)</u>	<u>n/a</u>
<u>Start time</u>	<u>Time (HH:MM:SS)</u>	<u>n/a</u>
<u>End date</u>	<u>Date (YYYY-MM-DD)</u>	<u>n/a</u>
<u>End time</u>	<u>Time (HH:MM:SS)</u>	<u>n/a</u>

<u>Start Latitude</u>	<u>Decimal (12,9)</u>	<u>Point location X</u>
<u>Start Longitude</u>	<u>Decimal (12,9)</u>	<u>Point location Y</u>
<u>End Latitude</u>	<u>Decimal (12,9)</u>	<u>Point location X</u>
<u>End Longitude</u>	<u>Decimal (12,9)</u>	<u>Point location Y</u>
<u>Trip Route</u>	<u>Varchar (256)</u>	<u>Sequential GPS coordinates for entire trip duration at a minimum collection frequency of one per 30 seconds.</u>

- E. The Metropolitan Government is able to publish the anonymized trip record data to the public.
- F. For oversight of parking compliance and SUMD distribution by minute, all permitted operators will provide Metro ITS with the following SUMD availability data for oversight of parking compliance and SUMD distribution by minutes: real-time information on the availability and identity of all parked vehicles through a documented REST application program interface (API). The permitted operator is directly responsible for obtaining an API key from Metro ITS to which they will publish the data described below, updated at a frequency of every five minutes. Data may shall be submitted to the Metro Open Data Portal, where it will be made available to the public.

Field Name	Format	Description
GPS Coordinate	X,Y	n/a
Availability duration	Minutes	n/a
Availability start date	MM, DD, YYYY	n/a
Availability start time	HH:MM:SS (00:00:00 – 23:59:59)	n/a
Company website	URL	Link to website with customer service capability
Company phone	615-xxx-xxxx	Local customer service number

Field Name	Format	Description
<u>GPS Latitude</u>	<u>Decimal (12,9)</u>	<u>Point location X</u>
<u>GPS Longitude</u>	<u>Decimal (12,9)</u>	<u>Point location Y</u>
<u>Availability duration</u>	<u>Time (HH:MM:SS)</u>	<u>Minutes</u>
<u>Availability start date</u>	<u>Date (YYYY-MM-DD)</u>	<u>n/a</u>
<u>Availability start time</u>	<u>Time (HH:MM:SS)</u>	<u>n/a</u>
<u>Company website</u>	<u>Varchar (128)</u>	<u>Link to website with customer service capability</u>
<u>Company phone</u>	<u>Decimal (10,0)</u>	<u>Local customer service number</u>

<u>Real Time Fare</u>	<u>Decimal (5,2)</u>	<u>Real-time fare per unit distance</u>
<u>SUMD Type</u>	<u>Varchar (25)</u>	<u>"Standard" or "Powered"</u>
<u>SUMD Group</u>	<u>Varchar (25)</u>	<u>Name of the SUMD group - "bicycle", "tricycle", "scooter", "hoverboard", "skateboard", "pedal car" or "other"</u>
<u>SUMD ID</u>	<u>Varchar (25)</u>	<u>SUMD Type + Unique identifier for every SUMD, determined by company</u>

- G. Permitted operators and their customers shall consent to the sharing of operator data by the Metropolitan Government with the ~~Transit Hub Transportation Data Collaborative (TH-TDC)~~ Metro Transportation Data Collaborative (MTDC). Permitted operators shall include in terms of use that customers also consent that trip data will be shared with the Metropolitan Government and become public record. (All data will be anonymized).
- H. All permitted operators shall consent to distribute to all users a customer survey, provided by the ~~Metropolitan Government~~ MTLC, under circumstances agreed to by the Metropolitan Government and the company regarding customer service and program evaluation.
- I. All permitted operators under this pilot permit program shall keep a record of maintenance activities, including but not limited to SUMD identification number, maintenance performed, and SUMDs retrieved due to unauthorized parking. These records shall be sent to the ~~Metropolitan Government~~ MTLC weekly.
- J. All permitted operators agree to participate with any evaluation of the program.
- K. All permitted operators will first clean data before providing or reporting data to Metro. Data processing and cleaning shall include:
 1. Removal of staff servicing and test trips
 2. Removal of trips below one minute
 3. Trip lengths are capped at 24 hours
- L. Permitted operators shall provide all data so that individual users cannot be identified.
- M. Should the Metropolitan Government adopt a standard or standards for SUMD data collection, each permitted operator shall achieve compliance with such standard(s) within ninety (90) days of receipt of notification of updated interface availability from the Metropolitan Government, submitted to the operator address on record.

XI. By amending Section 1 by deleting Section 12.62.080.B, and substituting therefore the following:

- B. Each type or category of SUMD in a permitted operator's fleet shall be limited in number to 400 during the first two months of the pilot, 800 beginning at the third month of the pilot, and 1,200 beginning at the fifth month of the pilot. After the sixth month and approval by the MTLC, permitted operators can expand beyond 1,200, assuming they fulfill the other requirements contained in this chapter and in the permit.

XII. By amending Section 1 by deleting Section 12.62.080.D through E, and substituting therefore the following:

- D. Each expansion or increase in fleet size shall require a determination by the MTLC or its staff that:
1. the permitted operator has fulfilled the requirements of this chapter; ~~and~~
 2. the number of violations associated with the SUMDs of that operator is below a threshold to be established by the MTLC; ~~and~~
 3. the type or category of SUMD in the permitted operator's current fleet to be increased is meeting or exceeding the average utilization threshold.
- E. The MTLC shall determine the average utilization threshold for SUMDs for each type of vehicle after gathering information and consulting with appropriate entities. The average utilization shall only be determined after notice and a hearing of the MTLC. Until the MTLC determines the average utilization threshold, the threshold for SUMDs shall be as follows:
1. For scooters the average trip per scooter during the prior month shall exceed 3 trips per day;
 2. For electric bicycles, the average trip per bicycle during the prior month shall exceed 2 trips per day;
 3. For bicycles, the average trip per bicycle during the prior month shall exceed 1 trip per day;

XIII. By amending Section 1 by deleting Section 12.62.110 and substituting therefore the following:

Section 12.62.110 ~~100~~ – Study by Metropolitan Government

- A. The MTLC shall conduct a study no later than July 1, ~~2020~~ 2019 to:
1. Determine if revenue generated by fees covers the cost of permitting, administration, compliance and enforcement;
 2. Determine the impact of SUMDs; and
 3. Recommend changes to this ordinance or other Metropolitan Government ordinances, policies or practices.

Section 2. This ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County, Tennessee, requiring it.

INTRODUCED BY:

Jeremy Elrod
Member of Council

AMENDMENT NO. B

TO

SECOND SUBSTITUTE ORDINANCE BL2018-1202

Madam President:

I move to amend Second Substitute Ordinance No. BL2018-1202 as follows:

1. By amending Section 1 by deleting Section 12.62.080, subsection B, and substituting in lieu thereof the following language:

- B. Each type of category of SUMD in a permitted operator's fleet shall be limited in number to 500 for each category of shared vehicle during the first month, 750 during the second month, and 1,000 beginning in the third month of the pilot. After the third month, permitted operators may apply to the MTLC to expand beyond the cap for each type of SUMD, if they fulfill the other requirements contained in this chapter.

INTRODUCED BY:

Jeremy Elrod

Freddie O'Connell
Members of Council

AMENDMENT NO. C
TO
ORDINANCE NO. BL2018-1202

Madam President –

I move to amend Ordinance No. BL2018-1202 as follows:

I. By amending Section 1 by deleting proposed Section 12.62.110 in its entirety and substituting in lieu thereof the following:

Section 12.62.110 ~~100~~ 100 – Study by Metro

- A. The MTLC shall conduct a study no later than ~~July~~ April 1, 2020-2019 to:
1. Determine if revenue generated by fees covers the cost of permitting, administration, compliance and enforcement; and
 - ~~2. Determine the impact of SUMDs; and~~
 - ~~3. Recommend changes to this ordinance or other Metropolitan Government ordinances, policies or practices existing fee structures.~~
- B. The MTLC shall conduct a study no later than July 1, 2020 to:
1. Determine the impact of SUMDs; and
 2. Recommend changes to this ordinance or other Metropolitan Government ordinances, policies or practices.

INTRODUCED BY:

Burkley Allen
Member of Council

AMENDMENT NO. D
TO
ORDINANCE NO. BL2018-1202

Madam President –

I move to amend Ordinance No. BL2018-1202 as follows:

I. By amending Section 1 by deleting proposed Section 12.62.030, subsection C.1, in its entirety and substituting in lieu thereof the following:

1. A SUMD shall not be operated upon a sidewalk within a business district, nor shall a SUMD be operated upon a sidewalk where there is a bike lane. No motorized SUMD shall be operated upon any greenway.

II. By further amending Section 1 by deleting proposed Section 12.62.040, subsection G, in its entirety and substituting in lieu thereof the following:

- G. A SUMD shall not be operated upon a sidewalk within a business district or upon a sidewalk where there is a bike lane. The Traffic and Parking Commission may also determine specific areas as business districts. No motorized SUMD shall be operated upon any greenway.

INTRODUCED BY:

Burkley Allen
Member of Council

AMENDMENT NO. E
TO
ORDINANCE NO. BL2018-1202

Madam President –

I move to amend Ordinance No. BL2018-1202 as follows:

I. By further amending Section 1 by amending Section 12.62.040 by adding the following as subsection H and redesignating the following paragraphs as needed:

H. No SUMD which is a scooter may be operated after dark.

INTRODUCED BY:

Burkley Allen
Member of Council

AMENDMENT NO. F
TO
ORDINANCE NO. BL2018-1202

Madam President –

I move to amend Ordinance No. BL2018-1202 as follows:

I. By amending Section 1 by deleting proposed Section 12.62.080, subsections B, in its entirety and substituting in lieu thereof the following:

- B. Each type or category of SUMD shall be limited in number to ~~400~~ 250 during the first two months of the pilot; ~~and 800~~ 500 beginning at the third month of the pilot; ~~and 1,200 beginning at the fifth month of the pilot.~~ After the sixth month ~~and approval by the MTLC, permitted operators can expand beyond 1,200, assuming they fulfill the other requirements contained in this chapter and in the permit, permitted operators can expand further at the discretion of the MTLC, if they have continued to fulfill the other requirements contained in this chapter and in the permit.~~ After the sixth month, additional operators can be permitted at the discretion of the MTLC based on demand as determined by rides per day for existing devices.

INTRODUCED BY:

Burkley Allen
Member of Council

AMENDMENT NO. G
TO
ORDINANCE NO. BL2018-1202

Madam President –

I move to amend Ordinance No. BL2018-1202 as follows:

I. By amending Section 1 by deleting proposed Section 12.62.080, subsections A and B, in their entirety and substituting in lieu thereof the following:

A. Permitted operators' initial fleets shall be limited in number with ~~separate~~ a combined limitations for ~~each~~ all types or categories of SUMD, such as bicycles, powered bicycles, and powered scooters. Operators may choose any combination of type or category to reach the combined limit. The MTLC may establish other categories of SUMDs.

B. Each ~~type or category of SUMD~~ operator's fleet shall be limited in number to ~~400~~ 250 during the first two months of the pilot, ~~800~~ 500 beginning at the third month of the pilot, and ~~1,200~~ 1,000 beginning at the fifth month of the pilot. After the sixth month and approval by the MTLC, permitted operators can expand beyond ~~1,200~~ 1,000, assuming they fulfill the other requirements contained in this chapter and in the permit if they have continued to fulfill the other requirements contained in this chapter and in the permit.

INTRODUCED BY:

Burkley Allen
Member of Council

AMENDMENT NO. H
TO
ORDINANCE NO. BL2018-1202

Madam President –

I move to amend Ordinance No. BL2018-1202 as follows:

I. By amending Section 1 by deleting proposed Section 12.62.080, subsections A and B, in their entirety and substituting in lieu thereof the following:

- A. Permitted operators' initial fleets shall be limited in number with ~~separate~~ a combined limitations for ~~each~~ all types or categories of SUMD, such as bicycles, powered bicycles, and powered scooters. Operators may choose any combination of type or category to reach the combined limit. The MTLC may establish other categories of SUMDs.
- B. Each ~~type or category of SUMD operator's fleet~~ shall be limited in number to 400 during the first two months of the pilot, 800 beginning at the third month of the pilot, and 1,200 beginning at the fifth month of the pilot. After the sixth month and approval by the MTLC, permitted operators can expand beyond 1,200, ~~assuming they fulfill the other requirements contained in this chapter and in the permit~~ if they have continued to fulfill the other requirements contained in this chapter and in the permit.

INTRODUCED BY:

Burkley Allen
Member of Council

AMENDMENT NO. 1

TO

SECOND SUBSTITUTE ORDINANCE NO. BL2018-1202

Madam President –

I move to amend Second Substitute Ordinance No. BL2018-1202 as follows:

- I. By amending Section 1 by deleting proposed Section 12.62.080.A in its entirety and substituting in lieu thereof the following:
 - ~~A. Permitted operators' fleets are limited to 400 bicycles or scooters during the first three months of the pilot, 800 bicycles or scooters beginning at the third month of the pilot, and 1,500 bicycles or scooters beginning at the sixth month of the pilot. After the sixth month, permitted operators can expand beyond 1,500, assuming they fulfill the other requirements contained in this chapter and in the permit.~~
 - A. Permitted operators' fleets are limited in size with separate caps for each category of shared vehicle. Bicycles, electric bicycles and electric scooters represent three individual categories of shared vehicles each with their own cap. The caps are as follows: 500 for each category of shared vehicle during the first month; 750 during the second month; and, 1,000 each beginning in the third month of the pilot. After the third month, permitted operators may apply to expand beyond the cap for each type of shared vehicle if they fulfill the other requirements contained in this chapter and they have data to establish an average utilization for each shared vehicle as follows:
 1. For electric scooters, the average trip per scooter during the prior month shall exceed 3 trips per day;
 2. For electric bicycles, the average trip per bicycle during the prior month shall exceed 2 trips per day; and,
 3. For bicycles, the average trip per bicycle during the prior month shall exceed 1 trip per day.
- II. By amending Section 1 by deleting proposed Section 12.62.080.E in its entirety and renumbering the remaining subsections accordingly:
 - ~~E. The MTLG shall determine the average utilization threshold for SUMDs for each type of vehicle after gathering information and consulting with appropriate entities. Until the MTLG determines the average utilization threshold, the threshold for SUMDs shall be as follows:
 1. For scooters the average trip per scooter during the prior month shall exceed 3 trips per day;
 2. For electric bicycles, the average trip per bicycle during the prior month shall exceed 2 trips per day;
 3. For bicycles, the average trip per bicycle during the prior month shall exceed 1 trip per day;~~

INTRODUCED BY:

Freddie O'Connell
Member of Council

AMENDMENT NO. J

TO

SECOND SUBSTITUTE ORDINANCE NO. BL2018-1202

Madam President –

I move to amend Second Substitute Ordinance No. BL2018-1202 as follows:

- I. By amending Section 1 by deleting proposed Section 12.62.070.A in its entirety and substituting in lieu thereof the following:

A. Applicants shall pay a program administrative fee of ~~thirty-five dollars (\$35) per SUSD~~ fifteen dollars (\$15) per bicycle, twenty-five dollars (\$25) per electric bicycle, and thirty-five (\$35) per scooter to the MTLC for the administrative costs during the pilot permit program. Operators will be required to pay this administrative fee for any additional SUSD expansions. This fee must be renewed annually, and may change at any time by resolution of the metropolitan council. The MTLC may make recommendations to the metropolitan council about the amount of the fee at any time for any reason.

INTRODUCED BY:

Freddie O'Connell
Member of Council

AMENDMENT NO. K

TO

SECOND SUBSTITUTE ORDINANCE NO. BL2018-1202

Madam President –

I move to amend Second Substitute Ordinance No. BL2018-1202 as follows:

- I. By amending Section 1 by deleting the title for “Section 12.62.110 – Study by Metro” and substituting therefore the following:

Section 12.62.110 ~~100~~ – Study by Metropolitan Government

- II. By further amending Section 1 by adding the following new section as Section 12.62.110:

Section 12.62.120 – Sunset Provision

The provisions of this chapter shall expire and be null and void on July 31, 2019 or twelve (12) months after the adoption of this ordinance (“sunset date”), whichever occurs first, unless extended by resolution of the metropolitan council. This provision, commonly known as a “sunset provision,” is included to ensure that the effectiveness and necessity of this chapter is reviewed by the metropolitan council after its adoption. If the provisions of this chapter are not extended by resolution of the metropolitan council before the sunset date, no permits shall be issued or renewed after the sunset date.”

INTRODUCED BY:

Freddie O’Connell
Member of Council

AMENDMENT NO. L

TO

SECOND SUBSTITUTE ORDINANCE NO. BL2018-1202

Madam President –

I move to amend Second Substitute Ordinance No. BL2018-1202 as follows:

I. By amending Section 1 by deleting proposed Section 12.62.040.M in its entirety and substituting in lieu thereof the following:

M. In addition to penalties assessed for any separate violation of Tennessee law or Metropolitan Code of Laws, Any violation of this ordinance by a user in the operation or parking of a SUMD shall be a fine of ~~twenty-five dollars (\$25)~~ fifty dollars (\$50). The fine shall to be assessed on the SUMD and paid by the owner of the SUMD.

INTRODUCED BY:

Freddie O'Connell
Member of Council

AMENDMENT NO. A
TO
ORDINANCE NO. BL2018-1282

Madam President –

I move to amend Ordinance No. BL2018-1282 as follows:

I. By amending the fifth recitals clause by deleting it in its entirety and adding the following as the fifth and sixth recitals clauses:

WHEREAS, it is important to know the current value of an interest in real estate, and it is also important to know the value of an interest in real estate after any anticipated changes in entitlements such as zoning classification, use restrictions, and deed restrictions; and

WHEREAS, this legislation exempts properties purchased under the home-buyout program.

II. By amending Section 1 by adding the following text at the end of proposed Section 2.24.225:

This legislation exempts properties purchased under the home-buyout program.

INTRODUCED BY:

Bob Mendes
Member of Council, At-Large

AMENDMENT NO. B
TO
ORDINANCE NO. BL2018-1282

Madam President –

I move to amend Ordinance No. BL2018-1282 as follows:

I. By amending the fifth recitals clause by deleting it in its entirety and adding the following as the fifth and sixth recitals clauses:

WHEREAS, it is important to know the current value of an interest in real estate, and it is also important to know the value of an interest in real estate after any anticipated changes in entitlements such as zoning classification, use restrictions, and deed restrictions; and

WHEREAS, more detailed appraisal information, however, is not applicable to the valuation of real property that is the subject of the home-buyout program for flood-prone or similarly encumbered properties as authorized under Section 2.24.250.F of the Metropolitan Code of Laws.

II. By amending Section 1 by adding the following text at the end of proposed Section 2.24.225:

2.24.225 – Appraisal Report required for metropolitan council approval

A. For transactions involving the sale, purchase, lease, sublease, or other disposition of real property which require approval of the metropolitan council, authorizing legislation may not be considered by the council in the absence of an Appraisal Report that includes, without restriction, the following components: (a) a current value; and (b) a prospective value reflecting any anticipated changes in entitlements including, without limitation, changes in zoning classifications, use restrictions, and/or deed restrictions. For purposes of this section, Restricted Appraisal Reports, Restricted Use Reports, or Summary Appraisal Reports shall not satisfy this requirement.

B. The provisions of this section shall not apply to the appraisal or valuation of real property that is the subject of the home-buyout program for flood-prone or similarly encumbered properties as authorized under Section 2.24.250.F of the Metropolitan Code of Laws.

INTRODUCED BY:

Bob Mendes
Member of Council, At-Large

AMENDMENT NO. _____
TO
SUBSTITUTE ORDINANCE NO. BL2018-1139

Madam President –

I move to amend Substitute Ordinance No. BL2018-1139 as follows:

I. By amending the third recital clause by deleting it in its entirety and substituting therefore the following:

WHEREAS, the Metropolitan Development and Housing Agency has completed studies and prepared a plan for redevelopment entitled the "Donelson Transit-Oriented Redevelopment Plan," (herein referred to as the "Plan") consisting of (1) a text, (2) Redevelopment Plan Maps Nos. 1 and 2, and (3) Exhibit A, Project Boundary Description attached thereto, all dated ~~April 10~~ May 11, 2018 and attached hereto as Collective Exhibit 1, which has been submitted to the Council of the Metropolitan Government of Nashville and Davidson County, Tennessee (herein referred to as the "Metropolitan Council") for review and approval; and

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

Section 1. That it is hereby found and determined that the redevelopment area defined by the Plan entitled "Donelson Transit-Oriented Redevelopment Plan," dated ~~January 30~~ April 10 ~~April 10~~ May 11, 2018, is a transit-deficient area as defined in and in accordance with Tennessee Code Annotated Section 13-20-702(4).

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

Section 3. That the Plan entitled "Donelson Transit-Oriented Redevelopment Plan," consisting of (1) a text, (2) Redevelopment Plan Maps Nos. 1 and 2, and (3) Exhibit A, Project Boundary Description attached thereto, all dated ~~April 10~~ May 11, 2018, as filed with the Metropolitan Clerk, is hereby in all respects approved.

IV. By amending Section 11 by re-numbering it as Section 13 and adding the following text as new Sections 11 and 12:

Section 11. The Metropolitan Development and Housing Agency (MDHA) and the Metropolitan Planning Department will jointly assess their review of applications for new development and reconstruction in redevelopment districts, including transit-oriented development districts, in order to provide the most efficient service consistent with best practices for design review, design review committees, and the processing of applications for development. MDHA and the Metropolitan Planning Department will publish a written assessment of existing policies and procedures within twelve (12) months of the passage of this ordinance, in accordance with the terms and conditions set forth in the "Amended Memorandum of Understanding between the Metropolitan Planning Department and the Metropolitan Development and Housing Agency Pertaining to Redevelopment Districts", dated July 27, 2018, and attached hereto as Exhibit 2.

Section 12. Pursuant to the terms of the Plan, the members of the Design Review Committee (DRC) shall be designated by the Executive Director of MDHA. Notwithstanding this provision, the district Council representative for Metropolitan Council district 15 is authorized to nominate three (3) members to the DRC for terms of three (3) years each and to maintain oversight over the memberships of these three (3) members, including the authority to render decisions regarding their reappointment and/or replacement. In current recognition of this authority, co-nomination letters executed August 3, 2018 by MDHA Executive Director James E. Harbison and Metro Councilmember Jeff Syracuse are attached hereto as Collective Exhibit 3. Appointment letters dated July 31, 2018, executed by MDHA Executive Director James E. Harbison, are attached hereto as Collective Exhibit 4.

INTRODUCED BY:

Jeff Syracuse
Member of Council

DONELSON TRANSIT-ORIENTED REDEVELOPMENT PLAN

~~April 10~~ May 11, 2018

Metropolitan Development and Housing Agency
Nashville and Davidson County, Tennessee

PREFACE

The Donelson Transit-Oriented Redevelopment Project is located in Metropolitan Nashville and Davidson County, Tennessee, and is undertaken by the Metropolitan Development and Housing Agency, hereinafter referred to as “MDHA,” in accordance with and in furtherance of the objectives of The Housing Authorities Law, Tennessee Code Annotated, Sections 13-20-101, et seq. (the “Housing Authorities Law”). The Metropolitan Council of Nashville and Davidson County has declared the area to be a transit-deficient area within the scope of Section 13-20-701 through 13-20-708 of the Housing Authorities Law. The Donelson Transit-Oriented Redevelopment District Plan will comply with existing Federal, State and local laws to include Metropolitan Codes 5.06.020, 5.06.050, and 5.06.060, and the Fair Housing Act, 42 U.S.C. § 3601, et seq.

A transit-deficient area means a high capacity transit area where facilities for high capacity transit are necessary to promote the elimination of traffic hazards, the implementation of regional solutions to traffic congestion, and the improvement of traffic facilities in order to protect the safety, health, morals, and welfare of the community. This Transit-Oriented Redevelopment Plan will work towards addressing these transit deficiencies. It is also part of Metropolitan Nashville’s Housing Toolkit to preserve and create housing options for a mixture of incomes, including workforce and affordable housing.

In 2009, following a public engagement process, the Metropolitan Council adopted an Urban Design Overlay (UDO) along this corridor that provides development standards and transportation needs for Downtown Donelson. This redevelopment plan adopts the development standards set forth in the UDO document as approved in BL2009-560 effective November 23, 2009 and amended by BL2010-799 effective January 24, 2011.

In May 2017, the Tennessee Legislature passed legislation enabling housing authorities to create Transit-Oriented Redevelopment Districts. The legislation recognized that transit-deficient areas can impair sound growth, and actions can be taken to provide suitable density for development and prevent sprawl into rural areas.

In October 2017, Mayor Barry released *Let’s Move Nashville: Metro’s Transportation Solution*. This plan incorporated the ideas of the *NashvilleNext* strategic plan of 2015, the *nMotion* study of 2016, the Tennessee Legislature’s IMPROVE act of 2017, and the Transit-Oriented Redevelopment enabling legislation that made redevelopment districts possible in transit-deficient areas.

At the same time, MDHA began meeting with officials and property owners about developing the first Transit-Oriented Redevelopment District in Donelson. In November 2017, the Mayor initiated the Transit and Affordability Taskforce to provide recommendations on how to proceed as Nashville begins to implement polices to address its transportation needs. This Donelson Transit-Oriented Redevelopment District incorporates many of the recommendations of the Transit and

Affordability Taskforce released in January 2018, along with input from residents and property owners in the impacted area.

The land included in this plan is within 1,320 feet on either side of Lebanon Pike and runs west to east from Park Drive to Stewarts Ferry Pike. It includes part of two major corridors, Lebanon Pike and Donelson Pike, with the latter providing direct access to the Nashville International Airport and Interstate 40, both to the south.

The area currently lacks sufficient parking for public transit commuters, streetscapes for pedestrian activity, and appropriate infrastructure to support higher density developments, such as multi-family housing, office buildings, employment centers, creative workspaces, and additional commercial and retail activities.

DONELSON TRANSIT-ORIENTED REDEVELOPMENT PLAN
NASHVILLE AND DAVIDSON COUNTY, TENNESSEE

A. TABLE OF CONTENTS

This Redevelopment Plan dated ~~April 10~~May 11, 2018 consists of, and only of, the following text, maps, and exhibits:

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B. DESCRIPTION OF THE PROJECT AREA

The Donelson Transit-Oriented Redevelopment Area (hereinafter “Project Area”) is located east of downtown Nashville and covers approximately 145 acres of land surrounding the Music City Star Donelson train station.

The Project Area is approximately 2.5 miles from the Nashville International Airport and approximately six miles from downtown Nashville. It is currently home to a variety of retail businesses, including restaurants, auto services, and bowling alleys. The Project Area is currently zoned for low-density, residential uses such as RS20, RS10, and R10, and commercial and office uses such as CS, CL, and OR20. There are approximately 29 residential units, accounting for 16 percent of the total acreage, in the redevelopment district with an average appraised total value of approximately \$145,000.

BOUNDARIES OF THE PROJECT AREA

The boundaries of the Donelson Transit-Oriented Redevelopment Project Area are shown on Redevelopment Plan Map No. 1, “Project Boundary Map,” and are described in Exhibit A, which is attached.

REDEVELOPMENT PLAN OBJECTIVES

The specific provisions and actions incorporated into the Plan are necessary to achieve the following objectives:

- a. To create a transit-oriented, mixed-use district around the train station by promoting transit-oriented principles intended to integrate land use and transit;
- b. To provide a mix of uses and a high-quality pedestrian environment around a defined center;
- c. To provide housing to a range of incomes, including units for affordable and workforce housing;
- d. To create an environment that is safe and accessible for pedestrians, bikers, and drivers;
- e. To minimize the total number of parking spaces needed in the redevelopment district;
- f. To make transit stops focal points and locate them in areas that are accessible, visible, and well-lit;
- g. To establish standards and guidelines for high quality development;
- h. To provide for the layout of new public improvements necessary to support the redevelopment of the area; and
- i. To establish harmonious land use patterns that support a mixture of uses.

PROPOSED REDEVELOPMENT ACTIONS

The intent of this plan is to assist in the implementation of the Downtown Donelson Urban Design Overlay (ordinance nos. BL2009-560 and BL2010-799), which may be amended from time to time.

The main redevelopment actions proposed for the Project Area are to create better transit connections; additional retail spaces, including small-scale, local retail businesses; and housing that attracts new residents with a mixture of incomes, including workforce and affordable units. New streetscapes, infrastructure, and public facilities should be created to adequately handle the change in traffic flow that may result from the addition of new residents and buildings. These goals may be achieved by the following activities:

- a. Orient buildings to the street or to the Music City Star station to increase activity on the street, and create a pedestrian-friendly environment;
- b. Design vertical mixed use buildings to accommodate active ground floor uses, such as retail and entertainment, while providing for office and residential uses on upper floors;
- c. Construct buildings of high-quality, durable building materials in order to demonstrate sustained quality and a sense of permanence;
- d. Place overhead utilities in alleys or underground as properties redevelop;
- e. Encourage shared or separate detention and water quality areas as amenities by providing seating, walkways, and landscaping;
- f. Accommodate multi-modal forms of travel along Lebanon Pike by including bike facilities and bus transit stops;
- g. Develop shared parking plans for developments with different peak parking demands and operating hours to minimize the total amount of parking spaces needed;
- h. Provide pedestrian connectivity to and from individual developments and to the Music City Star station and other transit stops, including sidewalks and crosswalks in parking areas through such means as markings, textured pavement, and other walkways and landscaping;
- i. Promote transit extensions from the Music City Star to the Nashville International Airport and downtown Nashville;
- j. Improve infrastructure throughout the district to support new and existing redevelopment projects; and
- k. Place pedestrian scaled lighting along the street near sidewalks and at major pedestrian crossing areas.

C. LAND USE PLAN

LAND USE MAP

The parcels of land within the Project Area are as shown on Redevelopment Plan Map No. 2, “Land Use Map” and are restricted to permitted uses as further described in the following sections. The Downtown Donelson Urban Design Overlay defines the requirements in its sub-districts reflected on Map No. 2.

LAND USE PROVISIONS AND BUILDING REQUIREMENTS

Property located within the Project Area shall be required to follow the provisions set forth in this Redevelopment Plan.

In order to achieve the objectives of this Redevelopment Plan, the redevelopment and use of land located within the Project Area will be made subject to all requirements and restrictions specified in this section. A Design Review Committee designated as described in this Redevelopment Plan must approve all improvements affecting the exterior appearance of property and requiring building permits. This redevelopment plan adopts the standards set forth in the UDO as revised on January 19, 2011.

General Land Use Districts

Within the areas shown on Redevelopment Plan Map No. 2, “Land Use Map,” land uses are per the base zoning except for the conditional and prohibited uses as stated in this Plan. The more restrictive controls shall apply.

The intent of the land use districts is to provide for facilities, businesses, services, and residences that support transit-oriented development in an urban area along a major corridor.

The permitted uses in this district include residential, institutional, educational, office, medical, commercial, transportation, recreation and entertainment, and other uses that may support the general character of the overall redevelopment district. These permitted uses must be so designed, located, and proposed to be compatible with surrounding land uses and transit-oriented development principles and operated such that the public health, safety, and welfare will be protected and will not adversely affect other property in the area.

Conditional Uses

The following uses, upon the approval of the Design Review Committee, may be permitted in the District if it is so designed, located and proposed to be compatible with surrounding land uses, and operated such that the public health, safety, and welfare will be protected and will not adversely affect other property in the area.

- Artisan distillery
- Automobile repair
- Automobile sales, new
- Automobile sales, used
- Automobile service
- Bar or nightclub
- Concert venues
- Hotels/motels
- Light manufacturing
- Liquor sales
- Microbrewery
- Parking structures (freestanding)
- Research service
- Restaurants (with drive-through service)
- Restaurants with outdoor, live entertainment
- Owner-occupied short-term residential rentals
- Standalone surface parking lots

Prohibited Uses

The following uses are prohibited in the District and will not be permitted by MDHA.

- Adult entertainment
- Alternative financial uses
- Industrial uses (unless noted under conditional uses)
- Self-service storage
- Non-owner occupied short term residential rentals

Development Standards

Property within the Project Area shall comply with Section II: Development Standards (with the exception of subsections entitled “Application of the Standards” and “Modification and Process”) and Section III: Transportation of the Downtown Donelson Urban Design Overlay document as amendment by BL2010-799, as may be amended from time to time by the Metropolitan Council or modifications by the Metropolitan Planning Commission.

This Redevelopment Plan provides additional development standards in addition to those found in the Downtown Donelson Urban Design Overlay.

Review Process and Submittal Requirements

NOTICE: This subsection of the Redevelopment Plan, entitled "Review Process and Submittal Requirements", is intended to be temporary. This subsection may be replaced in whole or in part through implementation of recommendations for redevelopment or planning policy changes, per the terms of the July/August _____, 2018 Amended Memorandum of Understanding Between the Metropolitan Planning Department and the Metropolitan Development and Housing Agency Pertaining to Redevelopment Districts (attached as an exhibit to the Ordinance approving the Redevelopment Plan), by the Metropolitan Council by passing a Resolution receiving a majority of votes.

For any new development, redevelopment, or improvement on property located within the Project Area, a site plan, landscape plan, and elevations shall be submitted for review and approval by MDHA prior to issuance of any associated building permits. No improvement requiring a building permit (including new structures, additions, parking facilities, and signs) shall be erected, installed, enlarged, or altered until plans and permits have been approved by MDHA.

A Design Review Committee shall be designated by the Executive Director of MDHA. ~~Appointed by nomination of the mayor of the Metropolitan Government of Nashville and Davidson County and approved by resolution of the Metropolitan Council. The Design Review Committee shall consist of nine (9) members who shall serve without compensation for a term of five (5) years each, composed as follows:~~

- ~~(i) — Two (2) representatives of the Metropolitan Development and Housing Agency;~~
- ~~(ii) — One (1) representative of the Metropolitan Planning Department;~~
- ~~(iii) — One (1) representative of the Metropolitan Historic Commission;~~
- ~~(iv) — One (1) representative of the Metropolitan Division of Transportation;~~
- ~~(v) — One (1) qualified design professional licensed to practice architecture, civil engineering, landscape architecture, or urban planning in Tennessee;~~
- ~~(vi) — One (1) current owner of real property within the redevelopment district;~~
- ~~(vii) — Two (2) members nominated by the district council member of the Metropolitan Council in whose district the Project Area is located.~~

Since property located within the Project Area is also within the Downtown Donelson UDO, the applicant shall also be required to follow the UDO Final Site Plan and building permit process through the Planning Department as described in the UDO document, which may be amended from time to time.

No demolition permit shall be issued prior to approval of a plan for re-use by MDHA. If property is to be kept vacant or put to another interim use, the property owner must supply plans demonstrating a proposed site plan, including grading, landscaping, fencing, and any remaining structures.

Any or all of the following specific submittal requirements may be waived as unnecessary by MDHA.

1. Site Plan

A site plan shall be prepared which shows locations of structures, appurtenances, walls, signs, driveways, parking and service areas, walks, utilities, plantings, and grades. The site plan shall contain information sufficient to describe the context of the development, including off-site structures and conditions. Where the development is to be accomplished in stages, a description of the proposed staging shall accompany the site plan. All development should include sufficient off-street parking to accommodate all uses.

2. Landscape Plan

The landscaping plan shall contain the existing and proposed topographical contours of the site, designations of all existing landscaping which will be retained, location of all existing trees or other plants having a trunk diameter of six (6) inches or more, the locations of all proposed exterior lighting fixtures, the area to be lighted by each exterior lighting fixture, and the design of each exterior lighting fixture. Any standards that shall not be modified are explicitly noted as such in the Downtown Donelson Urban Design Overlay, as may be amended from time to time.

3. Elevations

Building elevations shall be prepared which show the detailed architectural design of all faces of the proposed buildings, including all proposed building materials and finishes. MDHA shall review all proposals for development, redevelopment, and improvement to ensure that a high standard of architectural and structural quality is maintained through sustainable and durable building materials.

4. Off-Street Parking

All development should include sufficient off-street parking to accommodate all uses. Shared parking is encouraged. All off-street drives and parking areas shall be surfaced with asphalt, concrete, or other hard-surfaced, dustless material and so constructed as to provide for adequate drainage. Width of parking access from all streets in the Redevelopment District shall be limited to minimize interruptions to sidewalks.

5. Buffering

The Zoning Code of the Metropolitan Government and the Downtown Donelson UDO will generally determine buffering requirements for new development. However, MDHA may require additional buffering to protect commercial, residential, and pedestrian interests from traffic, noise, glare, trash, odors, negative visual impacts, and other harmful effects likely to be caused by the introduction of a more intensive use. The materials required and the use of buffers will be determined based upon the relative intensities of adjacent uses. The accumulation of trash, debris, or any noxious materials shall be prohibited.

6. Signs

Signs shall be limited to on-premises signs, related to the use or business conducted on the same site, and to incidental signs of a clearly general nature such as to portray time, temperature, or announcements of activities taking place at the location. No billboards or general advertising signs shall be permitted. Detailed signage plans shall be submitted for review and approval by MDHA and shall be permitted only when designed and placed in scale and harmony with the improvements on the building site and surrounding development as outlined in the Downtown Donelson Urban Design Overlay, as may be amended from time to time.

7. Temporary Structures and Interim Uses

Temporary structures used in connection with construction on any lot or street within the Project Area shall be permitted with the approval of MDHA. On property which has been acquired, but which has not yet been developed, MDHA may establish such interim uses as it deems desirable in the public interest consistent with local zoning and codes requirements. Requests for installation of portable buildings shall be reviewed and approved by MDHA relative to design, materials, location, and impact on neighboring properties.

8. Vehicular Accommodation and Service Areas

The Downtown Donelson Urban Design Overlay will generally determine requirements for the design of vehicular accommodations, including parking and service areas. However, MDHA may make additional requirements to ensure that vehicular and service areas are so designed as to adequately serve the development, but minimally impact neighboring properties. Temporary interim uses may be permitted under certain conditions.

9. Energy efficiency and environmental design assistance

Subject to the approval of the MDHA Board of Commissioners, design costs, commissioning costs and fees, and costs of required documentation associated with meeting the requirements of Leadership in Energy and Environmental Design (LEED), Green Globes, or other similar programs, as well as greening costs and energy modeling costs for certification by such programs, may be provided or subsidized by MDHA, as authorized under Tenn. Code Ann. § 13-20-703(a)(4)(F).

10. ~~10.~~ Modifications

Based on site-specific issues, modifications to the standards may be necessary. Modifications may be permitted because of the exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of a property. The condition shall be unique to the property and generally not prevalent to other properties in the general area, or have been

created by the previous actions of any person having an interest in the property after the effective date of this ordinance.

Any standard within the Donelson Transit-Oriented Redevelopment Plan may be modified as set forth herein and in the Downtown Donelson Urban Design Overlay. Requested modifications should meet the intent of the design standard, result in better urban design for the neighborhood as a whole, and should not impede or burden existing or future development of adjacent properties. Only minor modifications of less than twenty percent (20%) of the standards may be approved by the Design Review Committee. Any major modifications requested to the Downtown Donelson Urban Design Overlay must follow the process outlined in the Overlay and will require the additional approval of the Metropolitan Planning Commission.

Alternate development may be permitted where such development complies with the general intent and standards for land use as herein before specified under the regulations and controls provisions for these tracts but which, because of the nature of comprehensively planned development, may deviate in detail from exact compliance with all the various development restrictions. An alternate development of this type will be viewed as a planned development and deviation from development regulations and controls will be subject to approval by MDHA.

The Donelson Transit-Oriented Redevelopment Plan, the Downtown Donelson Urban Design Overlay, the NashvilleNext Plan, and any other policies or regulations from governing agencies shall be consulted when considering modifications. Any standards that shall not be modified are explicitly noted as such in the code as may be amended from time to time.

Modifications must be approved by the MDHA Design Review Committee. All appeals must originate through MDHA. Any determination made by the Design Review Committee regarding the standards of the Downtown Donelson Urban Design Overlay document may be appealed to the Planning Commission after notification of Design Review Committee action.

11. ~~H~~-Process for Appeal from Action Taken by MDHA Design Review Committee

Applicants can appeal Design Review Committee decisions. If the appeal relates to a modification of regulations enforced by the Metro Planning Department, the appeal will follow the procedures of the Metropolitan Planning Department. If the appeal relates to the regulations to the Redevelopment Plan, the applicant will file their appeal with the Director of Urban Development within three (3) days after notification of Design Review Committee action.

In order to ensure due process for an applicant whose plans for development, redevelopment, or signage are disapproved by the MDHA Design Review Committee, the Executive Director of MDHA shall appoint an Administrative Appeals Board, consisting of three members of MDHA management. The Board will hear appeals associated with

any/all action taken by MDHA’s Design Review Committee in the enforcement of provisions of this Redevelopment Plan. If an applicant requests a hearing, MDHA shall convene a meeting of the Administrative Appeals Board which shall hear evidence and make a determination (by majority vote) as to whether the appropriate decision was reached by the Design Review Committee.

12. ~~12.~~ Enforcement

In the event that the Redevelopment Plan restrictions or requirements of the Design Review Committee are violated, MDHA shall notify the permittee and/or the owner of record of the alleged violation. MDHA may also notify the Zoning Administrator, the Metropolitan Legal Department, and/or other legal counsel in order to seek enforcement of the Redevelopment Plan, including the pursuit of all remedies available at law or in equity, including the rights to pursue mandatory injunctions and/or other specific performance.

Duration of Land Use Controls

The provisions of this Plan, specifying the land uses for the Project Area and the requirements and restrictions with respect thereto, shall commence upon approval of the Plan by the governing body of Metropolitan Government of Nashville and Davidson County, and shall continue in effect until December 31, 2048.

D. LAND ACQUISITION

Land acquisition for use under Tennessee Code Annotated, Sections 13-20-701, et. seq. (the “Housing Authorities Law”), is necessary to install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation and development of sites for uses in accordance with a transit-oriented redevelopment plan; to install, construct, or reconstruct parks, public open spaces, public playgrounds, pedestrian ways, and all parking structures, regardless of use, in accordance with a transit-oriented redevelopment plan; and to install, construct, or reconstruct privately-owned affordable housing or workforce housing. The authority shall not use eminent domain to eliminate transit-deficient areas; provided that the authority may use eminent domain to acquire land, or interests in land, for public facilities and public infrastructure, including high capacity transit facilities.

CONDITIONS BY WHICH LAND MAY BE EXEMPTED FROM ACQUISITION

Certain properties or portions thereof designated for acquisition may be exempted from acquisition as provided herein. Exemption may be made if it will not require a change in the Land Use Plan or plans for street or utility improvements; the exemption and permitted continuation of a non-conforming use by MDHA will not adversely affect the use and/or disposition of adjoining parcels or the success of the redevelopment project as a whole; the owner of any exempted parcel agrees to eliminate any non-conforming use on the parcel as may be requested by MDHA, to rehabilitate all structures on the parcel, use the land and structures in accordance with the provisions of this

Plan for its duration, acquire such land as deemed necessary by MDHA to conform to current local zoning and codes requirements, and/or sell any portions of the tract as deemed necessary by MDHA for street right-of-way or other purposes; the owner enters into and abides by the requirements of a contractual agreement to be executed by and between the owner and MDHA for the use and development of the exempted property. Any such exemption shall be made conditional until the owner has complied with all of the requirements of the contractual agreement.

E. REDEVELOPMENT OBLIGATION AND LAND USE CONTROLS

MDHA, in disposing of the land in the Project Area to be redeveloped, will, in its contract and deed or other instruments of conveyance, include such terms and conditions as in the judgment of MDHA will be necessary or advisable to ensure redevelopment of the Project Area and its use thereafter, in accordance with this Plan, and to address the transit infrastructure deficiency in this area. Such provisions will be contained in such contracts, deeds or other instruments of conveyance irrespective of whether they duplicate, in whole or in part, requirements of existing or proposed zoning ordinances or other local laws, ordinances or regulations with respect to the Project Area, so that such obligations may operate independently of such zoning or other laws, ordinances or regulations.

In all instances, the improvements in the Project Area will be made in accordance with the applicable zoning ordinances, provisions, and regulations of the Metropolitan Government of Nashville and Davidson County; building, electrical, plumbing and other local codes and ordinances; the requirements of this Redevelopment Plan; and such other requirements as may be set forth in the contracts between MDHA and the redevelopers. Any contract or agreement for disposal of project land by sale, lease or retention shall contain, and the deed or deeds to the land shall contain a covenant that the redeveloper and its successors and assigns shall not discriminate upon the basis of race, color, creed, sex, marital status, or national origin in the sale, lease, or rental, or in the use or occupancy of the property or any improvements erected or to be erected thereon. It is intended by this Plan that MDHA is the beneficiary of all such covenants and obligations and that it shall be entitled to represent the interests and to act on behalf of the community in enforcing any covenants and obligations as to the redevelopment and continued uses of the Project Area in accordance with the Plan. Such contracts, deeds, or other instruments of conveyance, in addition to including such other terms and conditions as MDHA may find desirable in order to implement and effectuate the objectives of this Plan, will obligate the purchasers of land in the Project Area and their successors in interest to:

1. Devote the parcels owned by them to, and only to, uses and controls specified in this Plan;
2. Diligently pursue the construction of the improvements as provided in the disposition contract, and to begin and complete such improvements within a reasonable time as provided by the contract;
3. Make no changes, additions or alterations in such improvements after completion of their construction that are not approved by MDHA as being in conformity with this Plan, or as it may be changed or amended; and
4. Not reassign contract rights, resell or otherwise transfer the land or any part thereof or interest therein purchased by them prior to the completion of the improvements thereon

without the approval of MDHA and except in cases satisfactory to MDHA, and not to speculate in or with respect to such land.

F. RELOCATION ASSISTANCE

MDHA has established plans and procedures and shall provide assistance to individuals and businesses permanently or temporarily displaced by its actions in acquiring land for implementation of this Plan. Assistance will be offered in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended or other applicable federal, state or local laws and regulations that may be in effect at the time, even though no state or federal funds may be involved with a particular project. The relocation provisions of this Plan shall not apply to relocation necessitated by the acquisition of property by the State of Tennessee, the Metropolitan Government of Nashville and Davidson County, or any other governmental body unless such jurisdiction has entered into an agreement with MDHA to reimburse its costs for providing relocation services in connection thereto. It is the intent of this Plan to minimize the need for displacement or relocation of businesses or residents. When relocation is necessitated in connection with the implementation of the Plan, the health and continued viability of the business should be considered in providing reasonable time and assistance in finding and moving the establishment to a suitable relocation site.

G. TAX INCREMENT FINANCING

The cumulative assessed value of all real estate within the Donelson Transit-Oriented Redevelopment District currently stands at approximately \$33,000,000 (thirty-three million dollars). The projected future increase in the value of property developed in conjunction with the Plan is estimated to be approximately \$300,000,000 (three-hundred million dollars). The additional property taxes so generated in the Donelson Transit-Oriented Redevelopment District will not occur without the redevelopment activities of MDHA.

Despite the presence of commuter rail within the District, inadequate transit infrastructure, an absence of connectivity, and other transit deficiencies exist. Therefore, it is necessary to induce investment through available economic development tools. The activities of MDHA will make the area conducive to new private development and result in increased tax revenues to the Metropolitan Government. As identified in the *Let's Move Nashville Transit and Affordability Taskforce report*, MDHA will use tax increment financing to fund infrastructure, affordable housing, workforce housing, and economic development activities. Specifically, MDHA commits a minimum of \$10,000,000 (ten million dollars) not to exceed \$15,000,000 (fifteen million dollars) of tax increment financing to the development of affordable ~~and workforce~~ housing units ("Minimum Housing TIF"). For the Donelson Transit Oriented Redevelopment District, affordable housing shall mean residential units affordable to and occupied by households earning sixty percent (60%) or less of area median income (AMI). Any project that includes housing and receives tax increment financing shall provide a minimum of 10% of the new or rehabilitated units on the project site as affordable housing to residents qualifying at 60% AMI or below, and this requirement shall continue even if the Minimum Housing TIF has been reached. The remainder

of the \$30,000,000 (thirty million dollars) of tax increment backed debt provided for by the Plan will be used to support infrastructure and economic development activities.

The tax increment backed debt of \$30,000,000 (thirty million dollars) provided for by the Plan will require approximately 30 percent of the projected net new property tax revenues generated by the Project Area, if development can be induced.

Therefore, the Metropolitan Government, as the taxing agency within the Project Area, will realize substantial revenues from the project and will not be substantially impacted by a tax increment financing provision. As of 2017, tax increment financing from all redevelopment districts in Nashville and Davidson County consumed approximately two percent of the annual amount of property taxes due the Metropolitan Government. The addition of TIF in this district will not have a significant impact on this percentage.

Existing and anticipated sources of revenue to finance the Project, including the estimated amount from tax increment backed bonds or other indebtedness, are Tax Increment Financing: \$30,000,000 (thirty million dollars).

The amount of bonds or other indebtedness backed by the tax increment shall not exceed \$30,000,000 (thirty million dollars), provided that the principal amount of any debt refunded or refinanced shall not be counted in computing such total. The final maturity date on any bonded or other indebtedness backed by the tax increment from eligible properties shall be on or before December 31, 2048.

Upon retirement of all bonds, loans, or other indebtedness incurred and payable from tax increment funds or at such time as moneys on deposit in the tax increment fund or funds are sufficient for such purpose, all property taxes resulting from the incremental development of the Project shall be retained by the Metropolitan Government. Activities or improvements eligible for tax increment funding shall be in compliance with State law.

No incremental tax revenues for property in the Project Area may be pledged as collateral for, or to support payment of, a loan or other debt obligation related to a project or property outside of the Project Area.

H. PROCEDURE FOR CHANGES IN THE APPROVED PLAN

This Plan may be modified, changed or amended by MDHA or the Metropolitan Council in accordance to the procedures specified in Tenn. Code Ann. Section 13-20-704. Any recommended amendment to this Plan must be approved: (1) by ordinance after a public hearing; and (2) by the MDHA Board of Commissioners.

In no event will the provisions of this Plan be amended or modified in any manner which will adversely affect any as yet not fully developed land in the Project Area that has been sold or leased by MDHA, or as to which a sales contract or an approved development agreement has been entered

into by MDHA, except with the written consent of the then owners of such land or of the parties to such contract, or their successors in interest.

Notwithstanding the above, amendments to the Ordinance approving this Plan may be made in the procedure set forth in the Ordinance.

I. SEVERABILITY

The invalidation of any one or more of the foregoing provisions of this Redevelopment Plan or Ordinance, as approved by the Council of the Metropolitan Government of Nashville and Davidson County, or any part thereof by judgment of any Court of competent jurisdiction, shall not in any way affect the validity of any other of such provisions of the Plan, but the same shall remain in full force and effect.

J. MAPS AND EXHIBITS

MAP NO. 1, PROJECT BOUNDARY MAP



MAP NO. 2, LAND USE MAP

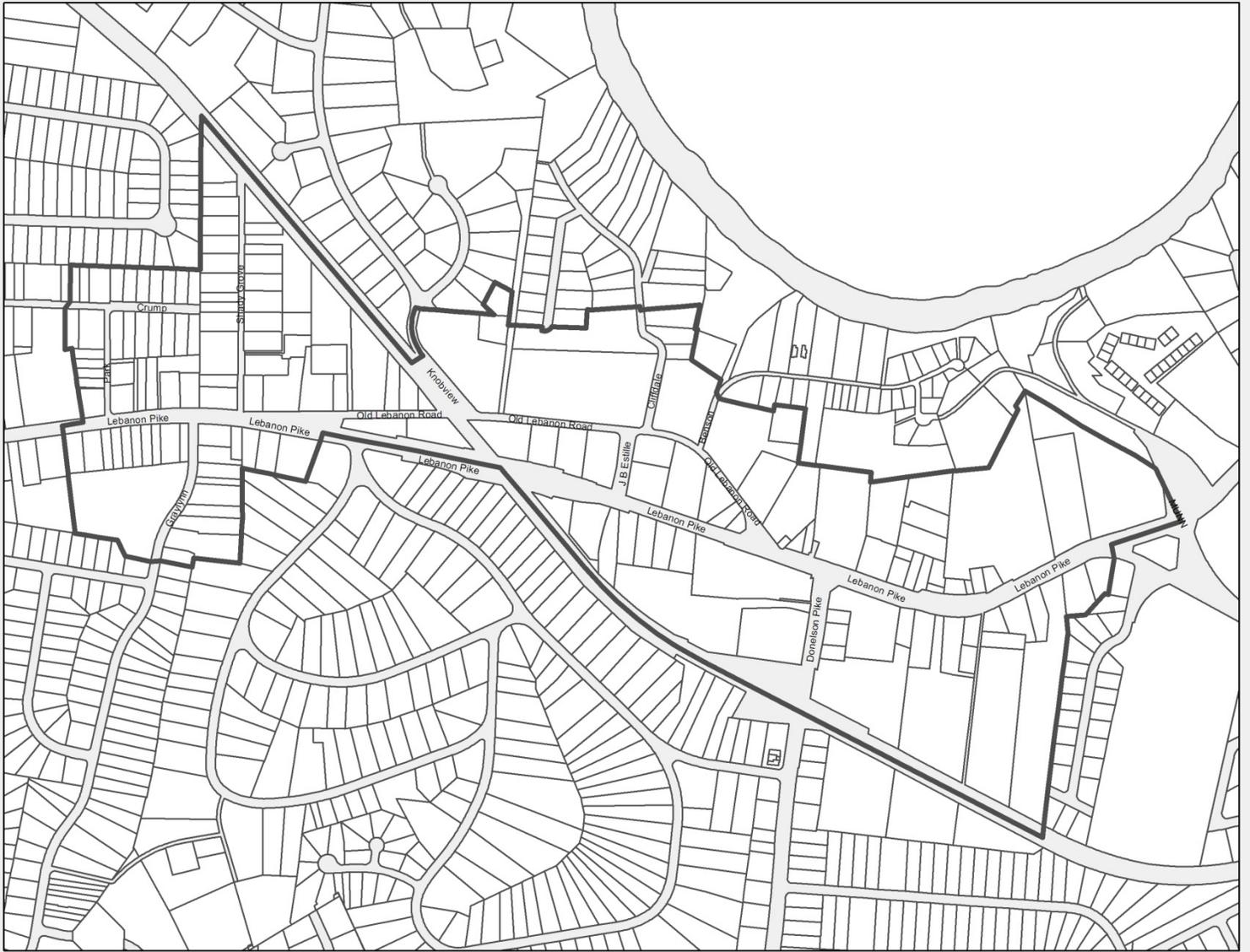


EXHIBIT A, PROJECT BOUNDARY DESCRIPTION

The Donelson Transit-Oriented Redevelopment District shall encompass a tract of land in Metropolitan Nashville and Davidson County, Tennessee, as shown on Project Boundary Map No. 1 and generally described as follows:

Beginning at the SW corner of parcel “09504001300”, proceed in a northerly direction along the eastern boundary of parcel “09504001100” until its intersection with Park Drive, then proceed across Park Drive to the SW corner of parcel “08416011600”, then proceed in a northerly direction along the western boundary of parcel “08416011600”, then proceed in an easterly direction following the rear boundaries of parcels that front on Park Drive and Crump Drive until reaching the rear boundary of parcel “08416015800”, then proceed in a northerly direction following the rear boundaries of parcels that front on Shady Grove Road, then proceed north until the center of the railroad right-of-way, then proceed in a southeasterly direction along the centerline of the railroad right-of-way approximately 1,700 feet, then proceed in a northeasterly direction to the centerline of Knobview Drive, then proceed along the centerline of Knobview drive until a point opposite the NW corner of parcel “08513001700”, then proceed in an easterly direction to parcel “08513001700” and follow its northern boundary to its intersection with the SE corner of parcel “08513001000”, then proceed in a southerly direction approximately 175 feet along the eastern boundaries of parcels “08513001700 and 08513006600” to a point opposite the NW corner of parcel “08513004600”, then proceed in an easterly direction across parcel “08513006400” to the NW corner of parcel “08513004600”, then proceed in an easterly direction along the northern boundary of parcel “08513004600” until intersecting the centerline of Cliffdale Road, then proceed in a southerly direction approximately 20 feet along the centerline of Cliffdale Road, then proceed easterly to the NW corner of parcel “08513004900”, then proceed easterly along the boundary of parcel “08513004900” to its NE corner, then proceed in a southerly direction following the rear boundaries of parcels that front on Cliffdale Road until the intersection of the boundary of parcel “09601000400” with Benson Road, then proceed in an easterly direction across Benson Road to the NW corner of parcel “09601001700”, then proceed in an easterly direction along the northern boundary of parcel “09601001700” to its intersection with parcel “09601002000”, then proceed approximately 35 feet in a northerly direction along the boundary of parcel “09601002000”, then proceed in an easterly direction across parcel “09601002000” to the SE corner of parcel “09601002100”, then proceed in an easterly direction along the boundary of parcel “09601002000” to its NE corner, then proceed in a southerly direction along the boundaries of parcels “09601002000 and 09601001700” to the NW corner of parcel “09601001500”, then proceed in an easterly direction along the northern boundaries of parcels “09601001500, 09601003200, 09601002700, 09601002500, 09602000300, and 09602000500” to the intersection of parcel “09602000500” with the SE corner of parcel “09602000600”, then proceed in a southeasterly direction to the intersection of Munn Road, Lebanon Pike, and Stewarts Ferry Pike, then proceed westerly along the centerline of Lebanon Pike approximately 385 feet, then proceed in a southerly direction to the NE corner of parcel “09602006900”, then proceed in a southerly direction along the eastern boundaries of parcels “09602006900, 09602001900, and 09602001700” to the center of the railroad right-of-way, then proceed in a northwesterly direction along the centerline of the railroad right-of-way to the point where it crosses under the centerline of Lebanon Pike, then proceed westerly along Lebanon Pike to a point opposite the NE corner of parcel 09504018700, then proceed southerly to parcel 09504018700 and follow the southern

boundaries of parcels “09504018700, 09504024500, and 09504024600” until intersecting parcel “09504018200”, then proceed southerly along the rear boundaries of parcels fronting Graylynn Drive until reaching the SE corner of parcel “09504017700”, then proceed westerly along the boundary of parcel “09504017700” to its intersection with Graylynn Drive, then proceed across Graylynn Drive to the SE corner of parcel “09504006000”, then proceed westerly along the boundary of parcel “09504006000” to its intersection with parcel “09504024400”, then proceed northerly along the boundaries of parcels “09504006000 and 09504005000” to the centerline of Lebanon Pike, then proceed easterly along the centerline of Lebanon Pike to a point opposite the SW corner of parcel “09504001300”, then proceed to the SW corner of parcel “09504001300”, the point of beginning.

AMENDED MEMORANDUM OF UNDERSTANDING
BETWEEN THE METROPOLITAN PLANNING DEPARTMENT
AND THE METROPOLITAN DEVELOPMENT AND HOUSING AGENCY
PERTAINING TO REDEVELOPMENT DISTRICTS

This Amended Memorandum of Understanding (Amended MOU) is entered into this 27th date of July, 2018, between the Metropolitan Nashville/Davidson County Planning Department (Planning) and the Metropolitan Development and Housing Agency (MDHA) (together "the Parties").

Whereas, MDHA administers eleven redevelopment plans and one urban renewal plan in Metropolitan Nashville and Davidson County authorized by Tenn. Code Ann. § 13-20-201, *et sec.*; and

Whereas, the MDHA Board of Commissioners has approved the Donelson Transit Oriented Redevelopment District as authorized under Tenn. Code Ann. § 13-20-701, *et sec.* and has presented the Donelson Transit Oriented Redevelopment District plan to the Metropolitan Council requesting their approval; and

Whereas many of the areas located in the redevelopment districts are also located in areas under the administration of Planning through Urban Design Overlays (UDO), the Downtown Code (DTC), Specific Plans (SP) and other approved overlays; and

Whereas, MDHA and Planning have been cooperatively reviewing applications since 2001; and

Whereas, MDHA may propose new redevelopment districts in the future for consideration by the Metropolitan Council; and

Whereas, MDHA and Planning desire to assess their review of applications for new development and reconstruction in the Redevelopment Districts; and

Whereas, MDHA and Planning desire to provide the most efficient, best practice service to the public for design review, design review committees, and the processing of applications for development within redevelopment districts.

Now therefore, the parties agree as follows:

1. MDHA and Planning agree to:
 - a. Review collaboratively existing design review and planning policies and procedures for development applications within redevelopment districts, design review committees, and assess these policies and procedures in comparison to nationwide best practices;

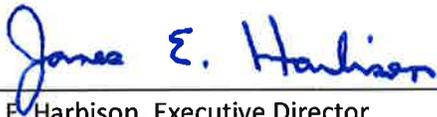
- b. Select collaboratively, through a competitive request for qualifications (RFQ) process in accordance with applicable procurement laws and procurement policy of the applicable funding source, a best qualified third party consultant to provide advice and assistance regarding the assessment of redevelopment district design review and planning policies and procedures;
- c. Publish a written assessment ("the assessment") of existing policies and procedures within twelve (12) months of the passage of Metropolitan Substitute Ordinance BL2018-1139 or the Donelson Transit-Oriented Redevelopment Plan;
- d. Present any recommendations resulting from the assessment for redevelopment policy changes to the MDHA Board of Commissioners for decision;
- e. Present any recommendations resulting from the assessment for planning policy to the Planning Commission for decision; and
- f. Present any recommendations resulting from the assessment for changes to existing ordinances to the Metropolitan Council for decision.

2. MDHA agrees to:

- a. Provide all funding for consultant services to assess redevelopment district design review and planning policies and procedures; and
- b. Implement any recommended changes to design review procedures as soon as possible should the administrative fees provided to MDHA from the Metropolitan Nashville and Davidson County Government for redevelopment district services to the Public be sufficient to fund these changes.

3. **Entire Understanding.** This Amended MOU comprises the entire understanding between the Parties concerning its subject matter and shall supersede all prior memoranda of understanding, whether oral or written. No modification or alteration of this Amended MOU shall be effective unless in writing and signed by both Parties.

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY:



James E. Harbison, Executive Director

Date: July 27, 2018

METROPOLITAN NASHVILLE/DAVIDSON COUNTY PLANNING DEPARTMENT:

Lucy Kempf
Lucy Kempf, Executive Director

Date: July 27, 2018



July 31, 2018

Mr. Mickey Sullivan, P.E.
Executive Vice President, Land Planning and Design
Gresham, Smith and Partners
222 Second Avenue South, Suite 1400
Nashville, TN 37201

**Re: Donelson Design Review Committee (DRC)
Appointment of Mickey Sullivan as Representative Member**

Dear Mr. Sullivan:

Your appointment to the Donelson DRC per the enclosed letter was at the recommendation of Metro Councilmember Jeff Syracuse. It is important to the Donelson community that the DRC membership includes certain representatives. You were specifically selected to fulfill the role of a community member within Donelson.

We are making it a priority of the Donelson DRC that you as community member within Donelson maintain a seat at the table. Your membership enables the DRC to serve its vital role of furthering development that is consistent with applicable design guidelines and the redevelopment plan. To that end, Councilmember Syracuse will maintain oversight of your membership on the DRC. This includes authority to make decisions regarding your reappointment or, in the event you are unable to continue serving on the DRC, your replacement with another property owner within the district.

Your initial appointment to the Donelson DRC is for a term of three (3) years. Thank you again for your willingness to serve.

James E. Harbison
MDHA Executive Director

Sincerely,

Jeff Syracuse
Metro Council District 15

Enclosures



July 31, 2018

Ms. Maria Mauthe
HJL Management
208-B McGavock Pike
Nashville, TN 37214-2716

**Re: Donelson Design Review Committee (DRC)
Appointment of Maria Mauthe as Representative Member**

Dear Ms. Mauthe:

Your appointment to the Donelson DRC per the enclosed letter was at the recommendation of Metro Councilmember Jeff Syracuse. It is important to the Donelson community that the DRC membership includes certain representatives. You were specifically selected to fulfill the role of a community member within Donelson.

We are making it a priority of the Donelson DRC that you as community member within Donelson maintain a seat at the table. Your membership enables the DRC to serve its vital role of furthering development that is consistent with applicable design guidelines and the redevelopment plan. To that end, Councilmember Syracuse will maintain oversight of your membership on the DRC. This includes authority to make decisions regarding your reappointment or, in the event you are unable to continue serving on the DRC, your replacement with another property owner within the district.

Your initial appointment to the Donelson DRC is for a term of three (3) years. Thank you again for your willingness to serve.

Sincerely,

A handwritten signature in blue ink that reads "James E. Harbison".

James E. Harbison
MDHA Executive Director

A handwritten signature in blue ink that reads "Jeff Syracuse".

Jeff Syracuse
Metro Council District 15

Enclosures



July 31, 2018

Mr. Benton Smothers
Vice President of Development
Holladay Properties, dba Plaza 2750, LLC
1508 Elm Hill Pike, Suite 100
Nashville, TN 37210-3636

**Re: Donelson Design Review Committee (DRC)
Appointment of Benton Smothers as Representative Member**

Dear Mr. Smothers:

Your appointment to the Donelson DRC per the enclosed letter was at the recommendation of Metro Councilmember Jeff Syracuse. It is important to the Donelson community that the DRC membership includes certain representatives. You, on behalf of Holladay Properties, were specifically selected to fulfill the role of a property owner within the Donelson Transit Oriented Redevelopment District (TORD).

We are making it a priority of the Donelson DRC that you as property owner maintain a seat at the table. Your membership enables the DRC to serve its vital role of furthering development that is consistent with applicable design guidelines and the redevelopment plan. To that end, Councilmember Syracuse will maintain oversight of your membership on the DRC. This includes authority to make decisions regarding your reappointment or, in the event you are unable to continue serving on the DRC, your replacement with another property owner within the district.

Your initial appointment to the Donelson DRC is for a term of three (3) years. Thank you again for your willingness to serve.

Sincerely,

James E. Harbison
MDHA Executive Director

Jeff Syracuse
Metro Council District 15

Enclosures

Metropolitan Development and Housing Agency

701 SOUTH SIXTH STREET * NASHVILLE, TENNESSEE 37206 * TELEPHONE (615) 252-8400
TELEPHONE DEVICE FOR DEAF (615) 252-8599

James E. Harbison
Executive Director

Mailing Address: P. O. Box 846
Nashville, TN 37202

July 31, 2018

Mr. Benton Smothers
Vice President of Development
Holladay Properties, dba Plaza 2750, LLC
1508 Elm Hill Pike, Suite 100
Nashville, TN 37210-3636

**Re: Appointment to Design Review Committee
Donelson Transit-Oriented Redevelopment District**

Dear Benton:

Please accept this letter as your official appointment to the Design Review Committee for the Donelson Transit-Oriented Redevelopment District (“Donelson Design Review Committee”). Donelson is the first-ever transit-oriented redevelopment district (TORD).

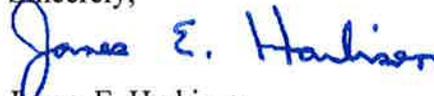
The purpose of the Donelson Design Review Committee is to ensure that development occurring in the Donelson TORD is harmonious with relevant redevelopment district design guidelines and is in agreement with the stated objectives of the Donelson Transit-Oriented Redevelopment Plan. The Donelson Design Review Committee has authority that includes approving, deferring, or prohibiting the approval of building permits, conditional uses, and design standards modifications within the Donelson TORD.

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Welcome, and we appreciate your service. You will be notified prior to your first meeting date.

Sincerely,



James E. Harbison
Executive Director

Enclosures

Metropolitan Development and Housing Agency
701 SOUTH SIXTH STREET * NASHVILLE, TENNESSEE 37206 * TELEPHONE (615) 252-8400
TELEPHONE DEVICE FOR DEAF (615) 252-8599

James E. Harbison
Executive Director

Mailing Address: P. O. Box 846
Nashville, TN 37202

July 31, 2018

Ms. Maria Mauthe
HJL Management
208-B McGavock Pike
Nashville, TN 37214-2716

**Re: Appointment to Design Review Committee
Donelson Transit-Oriented Redevelopment District**

Dear Ms. Mauthe:

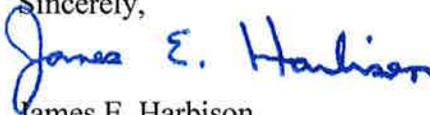
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Sincerely,

James E. Harbison
Executive Director

Enclosures

Metropolitan Development and Housing Agency
701 SOUTH SIXTH STREET * NASHVILLE, TENNESSEE 37206 * TELEPHONE (615) 252-8400
TELEPHONE DEVICE FOR DEAF (615) 252-8599

James E. Harbison
Executive Director

July 30, 2018

Mailing Address: P. O. Box 846
Nashville, TN 37202

Mr. Tim Walker
Executive Director
Metropolitan Historical Commission
3000 Granny White Pike
Nashville, TN 37204

**Re: Appointment to Design Review Committee
Donelson Transit-Oriented Redevelopment District**

Dear Tim:

Please accept this letter as your official appointment to the Design Review Committee for the Donelson Transit-Oriented Redevelopment District ("Donelson Design Review Committee"). Donelson is the first-ever transit-oriented redevelopment district (TORD).

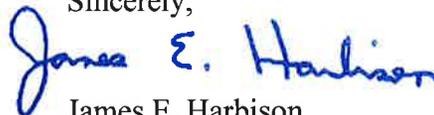
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Sincerely,



James E. Harbison
Executive Director

Enclosures

Metropolitan Development and Housing Agency

701 SOUTH SIXTH STREET * NASHVILLE, TENNESSEE 37206 * TELEPHONE (615) 252-8400
TELEPHONE DEVICE FOR DEAF (615) 252-8599

James E. Harbison
Executive Director

July 30, 2018

Mailing Address: P. O. Box 846
Nashville, TN 37202

Ms. Bea Thompson, AIA
Partner, Director of Operations, Nashville
Moody Nolan
1625 Broadway, Suite 400
Nashville, TN 37203

**Re: Appointment to Design Review Committee
Donelson Transit-Oriented Redevelopment District**

Dear Bea:

Please accept this letter as your official appointment to the Design Review Committee for the Donelson Transit-Oriented Redevelopment District (“Donelson Design Review Committee”). Donelson is the first-ever transit-oriented redevelopment district (TORD).

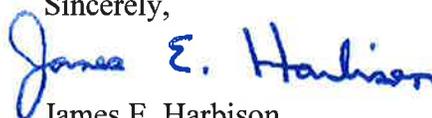
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Welcome, and we appreciate your service. You will be notified prior to your first meeting date.

Sincerely,



James E. Harbison
Executive Director

Enclosures

Metropolitan Development and Housing Agency
701 SOUTH SIXTH STREET * NASHVILLE, TENNESSEE 37206 * TELEPHONE (615) 252-8400
TELEPHONE DEVICE FOR DEAF (615) 252-8599

James E. Harbison
Executive Director

July 31, 2018

Mailing Address: P. O. Box 846
Nashville, TN 37202

Mr. Mickey Sullivan, P.E.
Executive Vice President, Land Planning and Design
Gresham, Smith and Partners
222 Second Avenue South, Suite 1400
Nashville, TN 37201

**Re: Appointment to Design Review Committee
Donelson Transit-Oriented Redevelopment District**

Dear Mickey:

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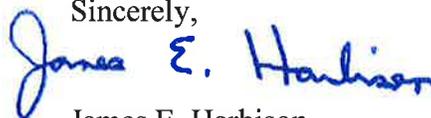
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Sincerely,



James E. Harbison
Executive Director

Enclosures

Metropolitan Development and Housing Agency
701 SOUTH SIXTH STREET * NASHVILLE, TENNESSEE 37206 * TELEPHONE (615) 252-8400
TELEPHONE DEVICE FOR DEAF (615) 252-8599

James E. Harbison
Executive Director

Mailing Address: P. O. Box 846
Nashville, TN 37202

July 30, 2018

Ms. Lucy Kempf, Executive Director
Metropolitan Nashville/Davidson County Planning Department
800 Second Avenue South
Nashville, TN 37219-6300

**Re: Appointment to Design Review Committee
Donelson Transit-Oriented Redevelopment District**

Dear Lucy:

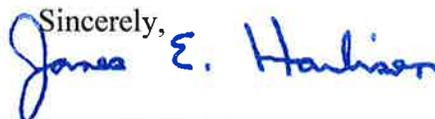
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Sincerely,


James E. Harbison
Executive Director

Enclosures

Metropolitan Development and Housing Agency

701 SOUTH SIXTH STREET * NASHVILLE, TENNESSEE 37206 * TELEPHONE (615) 252-8400
TELEPHONE DEVICE FOR DEAF (615) 252-8599

James E. Harbison
Executive Director

Mailing Address: P. O. Box 846
Nashville, TN 37202

July 30, 2018

Mr. Michael Briggs, AICP
Manager, Multimodal Transportation Planning & Programming
Metropolitan Nashville/Davidson County Planning Department
800 Second Avenue South
Nashville, TN 37219-6300

**Re: Appointment to Design Review Committee
Donelson Transit-Oriented Redevelopment District**

Dear Michael:

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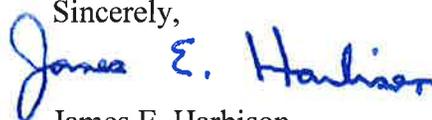
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James E. Harbison
Executive Director

Mailing Address: P. O. Box 846
Nashville, TN 37202

July 30, 2018

Mr. Curtis Thomas
Urban Planning Manager
MDHA
701 South Sixth Street
Nashville, TN 37206

**Re: Appointment to Design Review Committee
Donelson Transit-Oriented Redevelopment District**

Dear Curtis:

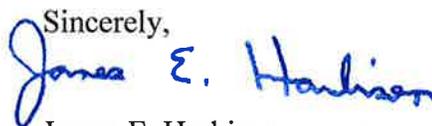
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Enclosures

Metropolitan Development and Housing Agency

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TELEPHONE DEVICE FOR DEAF (615) 252-8599

James E. Harbison
Executive Director

July 30, 2018

Mailing Address: P. O. Box 846
Nashville, TN 37202

Mr. Joseph Cain
Director of Urban Development
MDHA
35 Peabody Street, Suite 301
Nashville, TN 37210

**Re: Appointment to Design Review Committee
Donelson Transit-Oriented Redevelopment District**

Dear Joe:

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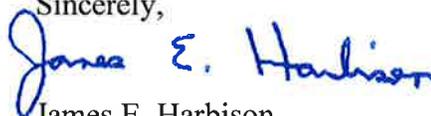
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