



Metropolitan Council

**PROPOSED SUBSTITUTE
ORDINANCES AND
AMENDMENTS TO ORDINANCES
TO BE FILED WITH THE METRO
CLERK
FOR THE COUNCIL MEETING OF
TUESDAY, JANUARY 7, 2020**

SUBSTITUTE ORDINANCE NO. BL2019-48

An ordinance amending Section 17.16.250 of Title 17 of the Metropolitan Code of Laws relative to home occupation. (Proposal No. 2019Z-020TX-001)

WHEREAS, current regulations prohibit even one client from visiting a home-based business; and

WHEREAS, these regulations create a hardship on residents seeking additional income to survive in a city with a skyrocketing cost of living; and

WHEREAS, these regulations create a significant barrier for children seeking tutoring services, music lessons, and other enrichment; and

WHEREAS, 5.7% of Nashville workers aged 16 and older work from home; and

WHEREAS, permitting limited home-based business activity will protect the residential character of neighborhoods while allowing more Nashvillians to earn supplemental income to remain in their homes.

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

Section 1. That Subsection D of Section 17.16.250 of the Metropolitan Code of Laws is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

D. Home Occupation. A home occupation shall be considered an accessory use to a residence subject to the following:

1. Location
 - a. A home occupation must be conducted entirely within the dwelling unit or accessory building.
 - b. The home occupation shall not occupy more than twenty percent of the total floor area of the principal structure and in no event more than one thousand square feet of floor area.
 - c. ~~No more than one home occupation permit that does not meet the requirements of subsection 5(d) herein may be active for each dwelling unit.~~
2. Employees and Vehicles
 - a. No more than one part-time or full-time employee not living within the dwelling may work at the home occupation location.
 - b. Parking a commercial vehicle on the premises or on a street adjacent to residentially zoned property is prohibited. Vehicles associated with the home occupation shall be limited to one passenger vehicle such as a motorcycle, automobile, pick-up truck, sport utility vehicle, van or similar, with a maximum axle load capacity of one and one-half tons.
 - c. No truck deliveries or pick-ups, except by public or private parcel services, and permitted.
3. Customer Visits
 - a. ~~A home occupation may not generate more than three vehicle trips each day of customer-related vehicular traffic.~~
 - ab. Customer visits must occur by scheduled appointment and only between the hours of 8 a.m. and 7 p.m., Monday through Saturday.
 - b. Customer visits shall be limited to no more than three visits per hour and a maximum of six total visits per day.
 - c. The permit holder shall maintain and make available to the Codes Department a log or register of appointments for each calendar year.
4. Outward Appearance

- a. ~~Any Signs, as defined in Section 17.32.030.B, exterior or interior displays of goods visible from the outside, or any exhibit that would indicate the dwelling unit or accessory building is being used for any purpose other than a residence are prohibited. on a property used for a home occupation shall be governed by the provision of Chapter 17.32 Sign Regulations.~~
 - b. The residential character of the lot and dwelling must be maintained. A home occupation that requires a structural alteration of the dwelling to comply with a nonresidential construction code is prohibited. This prohibition does not apply to modifications to comply with accessibility requirements.
 - c. A home occupation may not produce noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, glare, humidity, fumes, electrical interference, waste run-off, or other objectionable effects outside the dwelling unit or garage.
5. Activities
- ~~a. The sale of merchandise directly to a customer on the premises is prohibited.~~
 - ab. The storage of materials or goods shall be permitted in connection with a home occupation provided such storage complies with the following standards.
 - i. All materials or goods shall be stored completely within the space designated for home occupation activities.
 - ii. Only those materials or goods that are utilized or produced in connection with the home occupation may be stored within the dwelling unit or accessory building.
 - iii. All materials or goods shall be stored completely within the dwelling unit or accessory building.
 - iv. All flammable or combustible compounds, products or materials shall be maintained and utilized in compliance with Fire Code NFPA-30.
 - be. The following are prohibited as home occupations:
 - i. adult entertainment businesses;
 - ii. after hours establishments;
 - iii. any business primarily engaged in retail sales;
 - iv. any use listed as an industrial use, medical use, transportation use, utility use, or waste management use in the zoning district land use table in Section 17.08.030;
 - v. automobile repair ~~services~~;
 - vi. automobile service;
 - vii. bars or night clubs;
 - viii. bed and breakfast inns;
 - ix. funeral homes;
 - x. hotels;
 - xi. major appliance repair;
 - xii. restaurants;
 - xiii. sex clubs; and
 - xiv. short term rental properties~~;~~
6. Permit Requirements
- ad. Home occupations that meet both of the following conditions are not required to acquire a permit for activity under this section:
 - i. The home occupation does not serve customers on the property; and
 - ii. The home occupation does not employ anyone who does not live within the dwelling.
 - b. Prior to issuance of a permit, the applicant shall provide the Codes Department with a statement that the applicant has confirmed that operating the proposed home occupation would not violate any home owners association agreement or bylaws, condominium

agreement, covenants, codes and restrictions, lease or any other agreement governing and limiting the use of the property proposed for the home occupation. If the applicant is not the property owner, the applicant shall also certify that the property owner is aware of the application and does not object to pursuit of the home occupation permit.

~~ce.~~ In single-family and two-family zoning districts, ~~if more than one permit is acquired for activity under this section, all permit holders are liable for ensuring that their cumulative activity does not exceed the thresholds for business activity under this section, including number of employees, number of associated vehicles, and number of vehicle trips per day. no more than one home occupation permit may be issued per lot.~~

6. 7. Transferability and Enforcement

a. Permit Transferability. A permit issued for activities under this section shall not be transferred or assigned to another person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to commence or carry on the business. Upon termination of the occupant's residency, the home occupation permit shall become null and void.

b. Revocation of Permit. Upon the filing of three or more verified complaints within a calendar year regarding a permit issued for activities under this section, the Zoning Administrator, or his or her designee, shall notify the permit holder in writing of such complaints and the Zoning Administrator, or his or her designee, will determine whether such complaints are valid. If it is determined that violations have occurred, the Zoning Administrator may revoke a permit as provided in Section 17.40.590. The permit holder may appeal the Zoning Administrator's decision to the Board of Zoning Appeals for a public hearing as provided in this Title.

Section 2. This Ordinance shall take effect from and after its final passage, and such change shall be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Dave Rosenberg

Joy Styles

Zach Young
Members of Council

SUBSTITUTE ORDINANCE NO. BL2019-61

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from R8 to ~~RM15-A~~ SP zoning for properties located at 2127 and 2129 Cliff Drive, approximately 570 feet southeast of Buena Vista Pike (0.40 acres), all of which is described herein (Proposal No. 2019Z-099PR-001).

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from R8 to ~~RM15-A~~ SP zoning for properties located at 2127 and 2129 Cliff Drive, approximately 570 feet southeast of Buena Vista Pike (0.40 acres), being Property Parcel Nos. 092, 093 as designated on Map 070-13 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the uses of this SP shall be limited to all uses permitted by the RM15-A zoning district with the exception that Short Term Rental Property – Not Owner Occupied, Short Term Rental Property – Owner Occupied, Boarding House, Monastery or Convent, Orphanage, Dormitory, Assisted-care Living, Hospice, Nursing Home, and Residence for Handicapped- More than 8 Individuals uses shall be prohibited.

Section 3. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. This property shall not be eligible for short-term rental property (STRP) permits under Chapter 17.16 of the Metropolitan Code of Laws. Short Term Rental Property (STRP) – Owner Occupied and Short Term Rental Property (STRP) – Non-Owner Occupied uses shall be prohibited.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Section 4. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 5. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee, based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increases the permitted density or floor area, adds uses not otherwise permitted, eliminates specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or adds vehicular access points not currently present or approved.

Section 6. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of RM15-A zoning districts as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 2 7. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 070 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Councilmember Kyonzté Toombs

2019Z-099PR-001
Map 070-13, Parcel(s) 092-093
Subarea 03, Bordeaux - Whites Creek - Haynes Trinity District 02
(Toombs)
Application fee paid by: Robert E Hudson

A request to rezone from R8 to RM15-A SP zoning for properties located at 2127 and 2129 Cliff Drive, approximately 570 feet southeast of Buena Vista Pike (0.40 acres), requested by Robert Hudson, applicant; Robert Hudson, Arthur S. Yokley Sr. and Arthur S. Yokley Jr., owners.



SUBSTITUTE ORDINANCE NO. BL2019-69

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from RS10 to RM9-A SP zoning for property located at 3413 John Mallette Drive, at the southern corner of Ashton Avenue and John Mallette Drive (0.42 acres), all of which is described herein (Proposal No. 2019Z-131PR-001).

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from RS10 to RM9-A SP zoning for property located at 3413 John Mallette Drive, at the southern corner of Ashton Avenue and John Mallette Drive (0.42 acres), being Property Parcel No. 143 as designated on Map 069-16 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the uses of this SP shall be limited to all uses permitted by the RM9-A zoning district with the exception that Short Term Rental Property – Not Owner Occupied, Short Term Rental Property – Owner Occupied, Boarding House, Monastery or Convent, Orphanage, Dormitory, Assisted-care Living, Hospice, Nursing Home, and Residence for Handicapped- More than 8 Individuals uses shall be prohibited.

Section 3. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. This property shall not be eligible for short-term rental property (STRP) permits under Chapter 17.16 of the Metropolitan Code of Laws. Short Term Rental Property (STRP) – Owner Occupied and Short Term Rental Property (STRP) – Non-Owner Occupied uses shall be prohibited.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Section 4. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 5. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee, based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increases the permitted density or floor area, adds uses not otherwise permitted, eliminates specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or adds vehicular access points not currently present or approved.

Section 6. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of RM9-A zoning districts as of the date of the applicable request or application. Uses are

limited as described in the Council ordinance.

Section 2 7. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 069 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

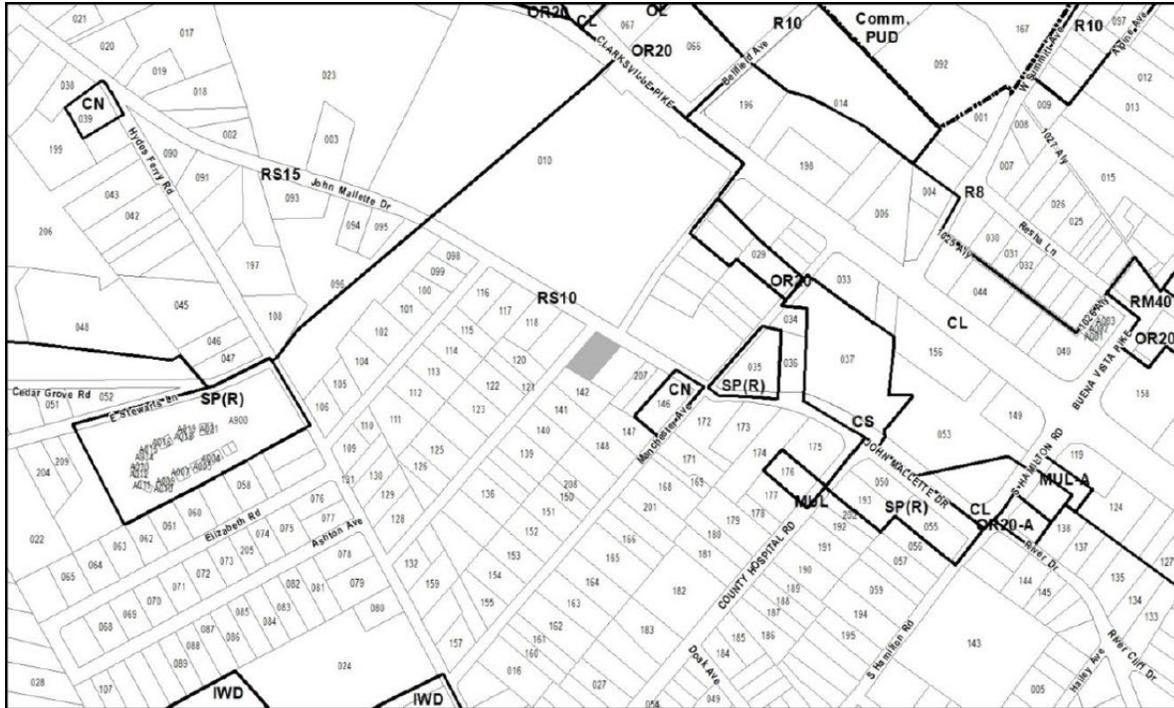
Section 3 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Councilmember Kyonzté Toombs

2019Z-131PR-001
Map 069-16, Parcel(s) 143
Subarea 03, Bordeaux - Whites Creek - Haynes Trinity District 02
(Toombs)
Application fee paid by: Robert or Jocelyn McDonald

A request to rezone from RS10 to ~~RM9-A~~ SP zoning for property located at 3413 John Mallette Drive, at the southern corner of Ashton Avenue and John Mallette Drive (0.42 acres), requested by Robert Brandon McDonald, applicant and owner.



AMENDMENT A
TO
ORDINANCE NO. BL2019-109

Mr. President:

I move to amend Ordinance No. BL2019-109 by amending Section 2 by adding the following new subsection F. to Section 12.62.020:

"F. Notwithstanding any other provision of this section to the contrary, the following shall apply from and after this effective date of this subsection:

1. Exclusion zones. No SUMDs shall be permitted within the following areas, providing that operation of SUMDs is permitted on 5th Avenue:
 - a. Exclusion Zone 1 includes the area bordered by and including 2nd Avenue to the east, Church Street to the north, Demonbreun Street to the south, and 7th Avenue to the west.
 - b. Exclusion Zone 2 includes 12th Avenue South from Division Street to Demonbreun Street and 11th Avenue South from its intersection with 12th Avenue South to Demonbreun Street
2. SUMD permit holders (and potential operators) shall use geofencing or other means of technology to prohibit the operation of SUMDs within the above Exclusion Zones.
3. SUMD permit holders (and potential operators) shall provide adequate parking and/or docking areas as determined by the MTLT along the borders of the above Exclusion Zones. No parking of SUMDs shall be permitted within the Exclusion Zones. All SUMDs shall be programmed to remain active if parked within the above Exclusion Zones, meaning that a SUMD rider's session is not ended and the rider will continue to be charged the standard per minute charge if parked within an Exclusion Zone."

INTRODUCED BY:

Bob Nash
Member of Council

AMENDMENT B

TO

ORDINANCE NO. BL2019-109

Mr. President:

I move to amend BL2019-109 as follows:

1. By deleting the first paragraph of Section 2, proposed Section 12.62.020.C and substituting the following:
 - C. The MTLC is directed to conduct an RFP process as described herein. This process shall be completed, not including protests and procurement appeals if any, within 120 days from the effective date of this ordinance and new permits issued as soon as practicable thereafter. ~~The RFP shall select operators to operate a fleet of SUMDs. The RFP shall select a minimum of two and a maximum of four operators to operate a fleet of at least 500 SUMDs each. The MTLC shall initially allow each selected operator a maximum of 500 units in its fleet.~~ Future post-RFP increases in a specific operator's SUMD fleet size shall be granted in 100 unit increments, and shall be determined by the MTLC, based upon ~~reasonable and objective criteria to be developed by the MTLC, including but not limited to an operator's demonstrating to the MTLC that its fleet is generating 3 trips per operational SUMD per day in the preceding 60 day period and an operator's ability and willingness to achieve the specific goals of this chapter.~~ In addition to any evaluation criteria developed by the MTLC, the RFP process will be required to thoroughly evaluate potential operators in the following areas:
2. By deleting Section 2, proposed Section 12.62.020.C.17 and substituting the following:
 17. The potential operator's ability to provide the Metropolitan Government with ~~real-time~~ anonymized and aggregated data sharing and open data information regarding SUMD locations, ridership, aggregated (5 trip minimum) SUMD traffic patterns, and other data.
3. By adding the following two sentences at the end of Section 2, proposed Section 12.62.020.D:

Notwithstanding the above or any conflicting provision in the Metropolitan Code, the MTLC shall not amend the regulations without providing a draft of each proposed regulation to all operators and the public two weeks prior to the MTLC's consideration of the amendment. The MTLC is directed to establish publicly available privacy principles and a summary of its implemented data security measures under those principles to ensure the protection of all data collection as a result of the RFP and through the SUMD program.

INTRODUCED BY:

Freddie O'Connell
Member of Council

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2019-31

Mr. President:

I hereby move to amend Ordinance No. BL2019-31 by deleting Section 3 in its entirety and substitute in lieu thereof the following:

Section 3. This Ordinance shall take effect from and after its adoption ~~on January 1, 2020~~, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Kathleen Murphy
Member of Council