



METROPOLITAN COUNCIL

Metro Council Office

**PROPOSED AMENDMENTS
AND SUBSTITUTES TO
RESOLUTIONS AND ORDINANCES
TO BE FILED
WITH THE METRO CLERK
FOR THE COUNCIL MEETING OF
TUESDAY, AUGUST 2, 2016**

SUBSTITUTE RESOLUTION RS2016-319

A resolution requesting the Public Works Department to provide the Metropolitan Council with an updated list of sidewalks around Metro Nashville Public Schools.

WHEREAS, the City of Nashville started over ten years ago utilizing a sidewalk master plan that, through the use of a scoring system, was designed to locate sidewalks in areas where the need was greatest; and

WHEREAS, one of those priority needs was the placement of sidewalks around Metro Nashville Public Schools so that children who lived within walking distance could safely walk to school; and

WHEREAS, MNPS actually has rules in place that, if you live within a certain distance of a school, families have to either find their own way or walk to school; and

WHEREAS, after years of emphasis on building sidewalks around the City, it is relevant and appropriate to request that the Metro Nashville Public Works Department provide the Metropolitan Council with a report that identifies where sidewalks have been placed around Metro Nashville Public Schools and which schools are still waiting for sidewalk construction; and

WHEREAS, with the building of new schools in Nashville, it is further important to learn whether there are both new and existing schools that need sidewalks but may not be on any proposed schedule for sidewalk additions.

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

Section 1. That the Metropolitan Council requests that the Metro Nashville Public Works Department provide to the members of the Council within three months of the passage of this Resolution an updated list of where sidewalks are located around Metro Nashville Public Schools. Such list shall include any and all streets that connect the school to the surrounding community to determine which of those streets have sidewalks and which do not. For purpose of distance requirements for the listing of sidewalks, the list shall also take into consideration the rules and policies of the Metro Nashville Public School System which determine which children are eligible for school-provided transportation, and which children, because they live within a certain distance of the school, are not eligible.

Section 2. That this Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Jim Shulman
Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-257

Mr. President –

I move to amend Ordinance No. BL2016-257 as follows:

I. By amending Section 2 by deleting it in its entirety

INTRODUCED BY:

Burkley Allen
Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-278

Mr. President –

I move to amend Ordinance No. BL2016-278 as follows:

I. By amending Section 4 by deleting it in its entirety and substituting therefore the following:

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

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works.
2. Ownership for units may be divided by a Horizontal Property Regime or a subdivision with a minimum lot size of 40,000 square feet.
3. Height is limited to two stories in 35 feet.
4. Primary structures shall be no less than two thousand (2,000) square feet.
5. No parking is permitted between the primary structure and street. Hard surfaces for vehicular access shall be limited to a 16' driveway between the primary structure and the street.
6. A raised foundation of 18"- 36", consisting of rock, stone or brick masonry, is required for all residential structures.
7. If the residential structure includes a front porch, it must be constructed of rock, stone or brick masonry.
8. EIFS, vinyl siding and untreated wood shall be prohibited.
9. Front-loading garage entries are prohibited.
10. Street setback distances shall be governed by Metro Code of Laws section 17.12.030.

II. By amending Section 7 by deleting it in its entirety and substituting therefore the following:

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS40 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

INTRODUCED BY:

Bill Pridemore
Member of Council

AMENDMENT NO. _____
TO
ORDINANCE NO. BL2016-282

Mr. President –

I move to amend Ordinance No. BL2016-282 as follows:

I. By amending Section 1 by adding two additional paragraphs which state as follows:

The applicant shall use light fixtures and light shields that control the emittance of light from the property to the night sky and to the peripheral boundary.

The applicant will complete an archeological and geophysical survey that will include documentation of findings and identification of appropriate steps to implement all federal and state requirements prior to any final SP approval.

INTRODUCED BY:

Brenda Haywood
Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-282

Mr. President –

I move to amend Ordinance No. BL2016-282 as follows:

I. By amending Section 1 by adding two additional paragraphs which state as follows:

The applicant shall use light fixtures and light shields that control the emission of light from the property to the night sky and to the peripheral boundary.

The applicant will complete an archeological and geophysical survey that will include documentation of findings and identification of appropriate steps to implement all federal and state requirements prior to any final SP approval. The archeological survey will comply with best practices for intact Archaic sites, including the mechanical removal of all topsoil within the planned impact area using a flat-blade backhoe or grade-all, monitored & directed by a qualified archaeologist. All exposed features larger than 30 cm shall then be bisected to test for human remains, which if present, shall only be removed if a cemetery termination order is issued by a Davidson County Chancery Court or other court of competent jurisdiction."

INTRODUCED BY:

Brett Withers
Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-308

Mr. President –

I move to amend Ordinance No. BL2016-308 as follows:

I. By amending Section 1 by deleting the word “will” from subsection B of section 2.149.050 and replacing it with the word “may.”

INTRODUCED BY:

Bob Mendes
Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-309

Mr. President –

I move to amend Ordinance No. BL2016-309 as follows:

I. By amending Section 4 by deleting it in its entirety and substituting therefore the following:

Section 4. Section 17.36.120.C.2.d. of the Metropolitan Code is hereby deleted and replaced with the following: "Signage. Any sign, as defined in M.C.L. 17.32.030.B, on a property used for a historic bed and breakfast homestay shall be governed by the provision of M.C.L Chapter 17.32 Sign Regulations. An accessory residential sign, not to exceed the dimensions of one square foot of area, may be permitted."

II. By amending the Exhibit referenced in Section 5 as follows: Amending subsection O of section 17.32.040 to read as follows:

- O. In residential districts, any non-commercial sign of a type described below which does not exceed one square foot in area:
 - 1. A sign located on the front of house itself, one sign per lot,
 - 2. A mailbox sign (one sign per dwelling unit).

INTRODUCED BY:

Burkley Allen
Member of Council

SUBSTITUTE ORDINANCE NO. BL2016-324

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 IWD to SP zoning for properties located at 1267 and 1271 3rd Avenue South, at the southwest corner of Hart Street and 3rd Avenue South (0.95 acres), to permit a mixed-use development with a maximum of 89 residential units and a maximum 8,700 square feet of non-residential uses, all of which is described herein (Proposal No. 2016SP-039-001).

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 IWD to SP zoning for properties located at 1267 and 1271 3rd Avenue South, at the southwest corner of Hart Street and 3rd Avenue South (0.95 acres), to permit a mixed-use development with a maximum of 89 residential units and a maximum 8,700 square feet of non-residential uses, being Property Parcel Nos. 443-444 as designated on Map 105-07 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 105 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to 89 residential units with a maximum of 8,700 commercial square feet.

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

1. Height is limited to a maximum of 5 stories within 76 feet along Hart Street.
2. Height is limited to a maximum of 5 stories within 64 feet along 3rd Avenue South.
3. 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.
4. Parking will be provided by a mix of surface parking and an automated parking structure.
5. Short Term Rental Property (STRP) use as defined by the Metro Government of Nashville and Davidson County Code Section 17.04.060 is prohibited.

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

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

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

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

INTRODUCED BY:

Colby Sledge
Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-331

Mr. President –

I move to amend Ordinance No. BL2016-331as follows:

I. By deleting the first recital in its entirety and replacing it with the following:

WHEREAS, Metropolitan Code of Laws Section 15.34.030(C) provides for a one-time nonrefundable maintenance fee of two thousand five hundred dollars for developer installation of a Residential Sanitary Sewerage Pumping System per residential connection; and,

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

Section 1. The Metropolitan Code of Laws § 15.34.030(C) shall be amended by deleting it in its entirety and replacing it with the following: "Maintenance Fee. Developer installation of a RSSP will require the payment of a one-time nonrefundable maintenance fee per residential connection as set by the Wastewater Hearing Authority. The initial fee will remain two thousand five hundred dollars until revised by the Wastewater Hearing Authority. This fee will not be required for department installations nor for homeowner installations, except as provided in Section 15.34.050C."

INTRODUCED BY:

Steve Glover
Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-336

Mr. President –

I move to amend Ordinance No. BL2016-336 as follows:

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

That Chapter 4.12 of the Metropolitan Code is amended by adding the following new Section 4.12.035:

4.12.035 – Matching Low Bids

The Purchasing Agent may include in the Invitation to Bid that, in a bid statement or agreement for a competitive sealed bid, any bidder may indicate a willingness to meet the lowest responsible bid if that bidder is not the low respondent.

INTRODUCED BY:

Steve Glover
Member of Council