

Development Applications: The Review Process

The Planning Department staff reviews, and coordinates other departments' review of, applications for various development-related activities. Planning Department staff then prepares a recommendation for the Planning Commission. The Metropolitan Council is the final decision-making body on zone changes, overlay districts, and mandatory referrals, and is guided but not bound by the Planning Commission's recommendation.

The Planning Commission makes final decisions on subdivision plats, performance bonds for development, and community plans.

Zone changes

Zone changes involve rezoning property from one zoning district to another or amending text in the Zoning Code. Planning staff makes recommendations to the Planning Commission based on Community Plans and application of the Zoning Code. The Metropolitan Council has final authority over zone changes. A simple majority on third reading is required for Council approval. Twenty-seven votes are required to override a recommendation of disapproval by the Planning Commission.

Zoning overlay districts

Zoning overlay districts establish special standards and regulations in a specific area, to provide greater design flexibility and/or to preserve certain features or resources of the community. Application of an overlay district follows the zone change process.

Specific descriptions of various types of overlays are online at our Zoning & Subdivision website:

<http://www.nashville.gov/Planning-Department/Rezoning-Subdivision/Urban-Design-Overlay.aspx>

Subdivision plats

Subdivision plats involve division of a tract or parcel of land into two or more lots. State law contains two separate sets of rules for this action, under "regional" and "municipal" planning. Both are in effect for Metro, and whenever they disagree the municipal section applies.

In both cases, a "subdivision" is defined as a tract or parcel of less than five acres, so many landowners think they are exempt from filing a subdivision plat if their tract or parcel is five acres or greater; however, it depends on several different factors, including availability of public utilities and the number of parcels which share driveway access. The Planning Commission has final approval over subdivision plats and is only appealable to Chancery Court.

Mandatory referrals

Mandatory referrals are processes which municipalities must follow as *mandated* by state law, and which must be *referred* to the Planning Commission for its review and approval. These referrals involve construction, land use, and/or improvements on land owned or controlled by the Metropolitan Government.

The five types of mandatory referrals include:

- **Metro property** may involve public schools, greenways, parks, water lines, sewer lines, road widenings, office space for Metro departments or agencies, tax-delinquent properties, and transfers to MDHA, Parks, or Metro Public Schools.

- **Easement abandonments** may be for water lines, sewer lines, or improved drainage facilities.
- **Encroachments** into the public right of way can be above or below ground for signs, flags, awnings, or fiber-optic cable.
- **Street/Alley Closures** may consolidate properties for development or provide greater security for businesses, schools, religious institutions, and residences.
- **Street renamings** may be done to honor someone who has been deceased for two or more years, or to improve E-911 service.

The Metropolitan Council has final authority over mandatory referrals.

Performance Bonds

Requiring developers to post a bond before recording a plat protects Metro Government and the community if the developer goes bankrupt or fails to construct improvements to Metro standards. Performance bonds are required by state law. Performance bonds are required for final plats that propose to install on- or off-site **public** improvements, for example, streets, fire hydrants, water and sewer lines, sidewalks, traffic signs, or traffic signals.

It is in Metro's, and the community's, interest to have the work properly completed rather than collect a bond. Bonds are released once all improvements are made and inspected and ready to be publicly maintained. The Planning Commission has final

authority over performance bonds.

Community plans

As described earlier, Community Plans guide growth, development, and preservation throughout Nashville and Davidson County. The county is divided into fourteen separate communities, which is part of the countywide General Plan, NashvilleNext.

Each Community Plan establishes the Community Character policies for its plan area, and review and approval of any zone change is based on those policies.

An applicant who wishes to proceed with a zone change that is in conflict with the Community Character policy for a property may file for a Community Plan Amendment. If the change is considered to be a major change, staff will coordinate with the district Councilmember to schedule a community meeting before the item is presented to the Planning Commission for consideration.