

ORDINANCE NO. BL2018-1046

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 R40 to SP zoning for property located at 6404 Eatons Creek Road and a portion of property located at Eatons Creek Road (unnumbered), approximately 1,300 feet west of Whites Creek Pike, (14.90 acres), to permit one single-family residential unit; a maximum of 10,000 square feet of Commercial Amusement, Inside; Commercial Amusement, Outside; and a maximum of five overnight lodging units accessory to and associated with Commercial Amusement, Inside or Commercial Amusement, Outside, all of which is described herein (Proposal No. 2017SP-094-001).

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 R40 to SP zoning for property located at 6404 Eatons Creek Road and a portion of property located at Eatons Creek Road (unnumbered), approximately 1,300 feet west of Whites Creek Pike, (14.90 acres), to permit one single-family residential unit; a maximum of 10,000 square feet of Commercial Amusement, Inside; Commercial Amusement, Outside; and a maximum of five overnight lodging units accessory to and associated with Commercial Amusement, Inside or Commercial Amusement, Outside; being Property Parcel Nos. 010, 236 as designated on Map 022-00 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 022 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 one single-family residential unit; a maximum of 10,000 square feet of Commercial Amusement, Inside; and a maximum of five overnight lodging units accessory to and associated with Commercial Amusement, Inside. Commercial Amusement, Outside shall be permitted only with approval of a Special Exception by the Board of Zoning Appeals.

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

1. With the corrected copy, the following standards for a Special Exception for Commercial Amusement, Outside shall be added to the plan:
 - **Setback.** Any stages and/or sound amplification equipment shall not be oriented toward any residence located within 300 feet of the property line. Further, sound amplification equipment shall be oriented so that sound is directed away from the closest residential property, not including residences located on the property containing the commercial amusement use. For purposes of this standard, “sound amplification equipment” means small portable sound systems of maximum three hundred watts, microphones, and amplified acoustic musical instruments.
 - **Noise.** A maximum noise level of seventy-five decibels on the A-weighted scale shall be permitted to occur at the boundary line of the nearest residential property.
 - **Parking.** The parking requirement for the use shall be established by the metropolitan traffic engineer based on a parking and/or loading study, pursuant to the standards of Section 17.20.030.F of the Metro Zoning Ordinance. Adequate off-street parking shall be provided.
 - **Traffic.** A traffic and parking management plan shall be submitted at the time the application for the use permit is filed. At a minimum, such management plan shall specify the hours of operation or timing of the events, the number of vehicles expected, a list of the streets to be used for ingress and egress, and a list of surface parking areas to be used to accommodate the event.
 - **Lighting.** All light and glare shall be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.
 - **Limitations on Attendance, Number of Events and Hours of Operation.** At the time of application for the use permit, the applicant shall specify the maximum attendance or occupancy, number or frequency of events, and hours of operation proposed. The Board of Zoning Appeals may establish limitations on attendance, number or frequency of events, or hours of operation in the permit based on evaluation of the size of the property, zoning pattern and nature of land uses in the immediate area, recommendations of Metro Public Works regarding the adequacy of parking or traffic management plans, and/or recommendations from the Fire Marshal regarding public safety.
 - **Permit Status Review.** The permit shall include a condition requiring the applicant to appear before the Board of Zoning appeals for a status to allow opportunity for evaluation of whether the terms and conditions of the original permit are being met and adequately mitigating any impacts. The status review shall initially be required annually. Following the first annual review, the Board of Zoning Appeals may extend the time period between status reviews if appropriate.
 - **Revocation of Permit.** The zoning administrator shall have the authority to revoke the Commercial Amusement, Outside permit upon violation of any of the terms and conditions of the use permit or of the standards for the use established in this Specific Plan. Upon revocation, applicants shall not be permitted to apply for another Commercial Amusement, Outside permit for a period of one year.

Revocations may be appealed to the board of zoning appeals pursuant to Section 17.40.180 of the Metropolitan Code.

2. Comply with all conditions of Metro Public Works and Traffic and Parking.
3. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

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

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the R40 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

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

INTRODUCED BY:

Councilmember Nick Leonardo