

ORDINANCE NO. BL2018-1195

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 IR and RS5 to SP zoning on properties located at 1003, 1011, 1013 and 1013 B 44th Avenue North and 44th Avenue North (Unnumbered), approximately 625 feet south of Centennial Boulevard (1.96 acres), to permit a maximum of 37 multi-family residential units, all of which is described herein (Proposal No. 2018SP-011-001).

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 IR and RS5 to SP zoning on properties located at 1003, 1011, 1013 and 1013 B 44th Avenue North and 44th Avenue North (Unnumbered), approximately 625 feet south of Centennial Boulevard (1.96 acres), to permit up to 37 multi-family residential units, being Property Parcel Nos. 013, 014, 015, 016 and 017 as designated on Map 091-08 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 091 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 a maximum of 37 multi-family residential units.

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

1. The development shall provide adequate access that meets the requirements of the Fire Marshal's Office and Department of Public Works.
2. On the corrected copy, all references to workforce housing shall be removed.
3. On the corrected copy, remove the word "workforce" from Building C on the face of the plans.
4. On the corrected copy, modify the following items in the Development Site Data:
 - a. Units shall not be itemized by workforce housing and townhomes. Remove the itemized bedroom data that references the number of bedrooms by unit type. Keep the total number of bedrooms listed below the itemized bedroom data.
 - b. Update Parking Requirements per the UZO requirements of the Metro Zoning Code: Studio and/or 1 bedroom: 1 space per unit; 2 bedroom or more: 1.5 spaces per unit.
 - c. Replace the word "workforce resident parking" with "surface parking". Remove the word "guest spaces" from on-street parking.
5. On the corrected copy, remove the asterisks from the two-story units on the face of the site plan since two-story units have been identified in the Development Site Data.

6. On the corrected copy, add the following note: 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 RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
7. The mandatory referral to abandon 45th Avenue North shall be approved by Metro Council prior to submittal of the final site plan.
8. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the Preliminary SP for review and approval.
9. The final site plan shall include any areas of Right-of-Way dedication.
10. The final site plan shall comply with Metro Zoning Code Parking requirements.
11. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
12. 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.
13. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
14. Requesting this rezoning may affect the provision of affordable or workforce housing units in rental projects involving five or more rental units on site, as set forth in Ordinance Nos. BL 2016-133, and BL2016-342, which authorizes Metro grants to offset the provision of affordable or workforce housing units.
15. Comply with all conditions of Stormwater, Water Services, and Public Works.

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 RM20-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:

Ed Kindall

Member of Council