

## **SUBSTITUTE ORDINANCE NO. BL2019-63**

**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 RS5 to MUN-A SP zoning for properties located at 106 Fern Avenue and Birch Avenue (unnumbered), approximately 500 feet west of Brick Church Pike (0.97 acres), all of which is described herein (Proposal No. 2019Z-121PR-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 RS5 to ~~MUN-A~~ SP zoning for properties located at 106 Fern Avenue and Birch Avenue (unnumbered), approximately 500 feet west of Brick Church Pike (0.97 acres), requested by Carby LLC, applicant and owner., being Property Parcel Nos. 073, 410 as designated on Map 071-14 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 MUN-A zoning district with the exception that Short Term Rental Property – Not Owner Occupied, Short Term Rental Property – Owner Occupied, Alternative Financial Services, Auction House, Beer & Cigarette Market, Flea Market, and Club 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 MUN-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 071 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:

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Councilmember Kyonzté Toombs

2019Z-121PR-001  
Map 071-14, Parcel(s) 073, 410  
Subarea 03, Bordeaux - Whites Creek - Haynes Trinity  
District 02 (Toombs)  
Application fee paid by: Matthew F Strader

A request to rezone from RS5 to MUN-A SP zoning for properties located at 106 Fern Avenue and Birch Avenue (unnumbered), approximately 500 feet west of Brick Church Pike (0.97 acres), requested by Carby LLC, applicant and owner.

