

The following amendments to the Metro Nashville Davidson County Subdivision Regulations are in response to the recently approved Conservation Development proposal, the proposed Compact Development proposal and the state legislature bill passed requiring certain language to be added to these regulations. These amendments are scheduled to be heard at the Metro Planning Commission on May 23, 2024.

Subdivision Regulation Housekeeping

Amend Chapter 1 General Provisions, to modify Subsection 1-13 as follows:

1-13 Fees, in-lieu contributions and other assessments, estimates, or payments, or dedication of real property

1. Fees, in-lieu contributions and other assessments, estimates or payments. Fees, in-lieu contributions and other assessments, estimates or payments required by this these regulations or by the Metropolitan Government in furtherance of these regulations for single or multi-phase developments shall be determined by the fee or rate at the time of assessment or payment, whichever is later. The Metropolitan Government of Nashville & Davidson County may update fees and rates over time to reflect current standards and/or changes in market rates.
2. In exercising the powers granted to it by T.C.A.13-3-402 and T.C.A 13-4-302, the planning commission shall not require an owner of private property to dedicate real property to the public, or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local government interest and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property. An owner of private property required to make a dedication or pay money in violation of this subsection may seek relief through a common law writ of certiorari in chancery court.

Amend Chapter 2 Procedures for Plat Approval, to modify subsection 2-1.2 as follows:

2. Classification of Subdivisions. The Executive Director shall determine whether the application is a major subdivision, a minor subdivision, or a land partition. ~~final-site plan~~
 - a. Major Subdivision.
 1. A major subdivision is division of land into two or more lots that include any of the following:
 - a. A new or extended public street or street right-of-way, but not including future street alignments illustrated in a plan of resubdivision as required by Section 2-7.1.

- b. Improvement(s) within an existing street right-of-way, other than repair or construction of sidewalk(s) or other pedestrian connections required by these regulations, fire hydrants or other types of minor improvements necessary to serve the lots being created.
 - c. The dedication of a right-of-way or easement for construction of a new public road or public utility.
 - d. Dedications, reservations, improvements, or environmental conditions that, in the opinion of the Executive Director with advice from reviewing agencies, require construction documents to be reviewed prior to final plat approval in order to ensure the public health, safety, and welfare.
2. A concept plan is required for a major subdivision.

b. Minor Subdivision.

- 1. A minor subdivision is a division of land where the conditions for major subdivision review, as set out in Section 2-1.2.a.1. are not present. Notwithstanding the provisions of Section 2-1.2.a, the Executive Director may allow a subdivision of not more than ~~four~~five lots to be processed as a minor subdivision where an extension to an existing public street is required or an existing substandard street is required to be brought up to Public Works Department standards or the dedication of a right-of-way or easement for construction of infrastructure improvements is required provided that construction plans are approved prior to the subdivision being placed on a Planning Commission agenda.

Amend Chapter 2 Procedures for Plat Approval, to modify subsection 2-4.6.c as follows:

- c. Approval of Final Plats. Planning Commission approval shall be required for any final plat that did not require concept plan or Specific Plan District (SP), Planned Unit Development (PUD), Institutional Overlay (IO) and Urban Design Overlay (UDO) final site plan approval and any final plat that requires consideration of a variance or exception provided that: ~~if the plat of subdivision divides the tract into no more than two (2) lots, then the final plat may be approved by the Secretary of the Planning Commission.~~
 - 1. If the plat of subdivision divides the tract into no more than five (5) lots, then the final plat may be approved by the Secretary of the Planning Commission.
 - 2. If the plat of subdivision divides the tract into no more than twenty-five (25) lots and the Planning Commission previously approved a concept plan, then the final plat may be approved by the Secretary of the Planning Commission.

Amend Chapter 3 Requirements for Improvements, Reservations and Design, to modify subsection 3-1.1 as follows:

- 1. General Requirements. Unless otherwise specified in these regulations, all subdivisions shall comply with the requirements of Chapter 3. Within T2 Rural Neighborhood and/or T2 Conservation policies, the requirements of Chapter 4. Rural Character Subdivisions apply. Outside of T2 Rural Neighborhood and/or T2

Conservation policies, an applicant may choose or be required to develop a Conservation Development according to the standards of Section 17.12.090 or a Compact Development according to the standards of Section 17.12.080 of the Zoning Code or alternative subdivisions that are more rural or urban in nature. The requirements of Chapter 4. Rural Character Subdivisions may be used to develop a rural subdivision and the requirements of Chapter 5. Walkable Subdivisions may be used for a more urban pattern of development. For any regulation not included in Chapters 4 or 5, the regulations of Chapter 3 shall apply.

Amend Chapter 3 Requirements for Improvements, Reservations and Design, to modify subsection 3-5.2. as follows:

2. Criteria for Determining Compatibility for policy areas designated in the General Plan as Neighborhood Maintenance, except where a Special Policy and/or a Designated Historic District exists. The following criteria shall be met to determine compatibility of proposed infill lots to surrounding parcels. For the purposes of this section, "surrounding parcels" is defined as the five R, R-A, RS, or RS-A parcels oriented to the same block face on either side of the parcel proposed for subdivision, or to the end of the same block face, whichever is less. Parcels may be excluded if used for a non-residential purpose, including but not limited to a school, park or church. Where surrounding parcels do not exist, the Planning Commission may grant an exception to the compatibility criteria by considering a larger area to evaluate general compatibility. An exception to the compatibility criteria may be granted by the Planning Commission for a SP, UDO, PUD or ~~cluster lot~~ Conservation or Compact Development subdivision by approval of the rezoning or concept plan.

Amend Chapter 4 Rural Character Subdivisions, to modify subsection 4-2.5.a.1 as follows:

- f. ~~Cluster lot option~~ Conservation Development. Development through the Countryside (Open Alternative) Character Option may utilize the provisions of ~~Cluster Lot Option~~ Conservation Development (Section 17.12.090 of the Zoning Code) within the Development Footprint area, excluding lots abutting existing public streets. Smaller lot sizes may be appropriate with the application of a Specific Plan (SP) zoning district that addresses building height, architecture, landscaping, building placement and detailed grading plan.
- g. Compact Development. Development through the Countryside (Open Alternative) Character Option shall not utilize the provisions of Compact Development (Section 17.12.080 of the Zoning Code) within the Development Footprint area.

Amend Chapter 4 Rural Character Subdivisions, to modify subsection 4-2.5.a.2 as follows:

- c. ~~Cluster lot option~~ Conservation Development. Development through the Countryside (Screened Alternative) Character Option may utilize the provisions of ~~Cluster Lot Option~~ Conservation Development (Section 17.12.090 of the Zoning Code) within the Development Footprint area. Smaller lot sizes may be appropriate with the application of a SP that addresses building height, architecture, landscaping, etc.
- d. Compact Development. Development through the Countryside (Screened Alternative) Character Option shall not utilize the provisions of Compact Development (Section 17.12.080 of the Zoning Code).

Amend Chapter 4 Rural Character Subdivisions, to modify subsection 4-2.5.b as follows:

- 4. ~~Cluster lot option~~ Conservation Development. Development through the Agricultural Character Option may utilize the provisions of ~~Cluster Lot Option~~ Conservation Development (~~Code~~ Section 17.12.090 of the Zoning Code) provided the Development Footprint is internal to the overall subdivision and can be shown to comply with Subsection d of this Section.
- 5. Compact Development. Development through the Agricultural Character Option shall not utilize the provisions of Compact Development (Section 17.12.80 of the Zoning Code).

Amend Chapter 7 Definitions, to modify subsection 7-2 as follows:

Subdivision, Minor. A division of land into ~~three (3)~~ five (5) or ~~more~~-less lots fronting on an existing publicly maintained street not requiring improvements other than repair or construction of sidewalk(s) or other pedestrian connections or other types of minor improvements necessary to serve the lots being created.