

SUBSTITUTE ORDINANCE NO. BL2025-909

An ordinance amending Chapters 17.08, 17.36, and 17.40 of the Metropolitan Code pertaining to creating a Commercial Compatibility Overlay district (Proposal No. 2025Z-006TX-001).

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Zoning District Land Use Table in Section 17.08.030 is amended as shown in Exhibit A.

Section 2. That Chapter 17.36 of the Metropolitan Code is hereby amended by creating Article XVIII – Commercial Compatibility Overlay, and adding the following Section 17.36.740 (Purpose and intent):

The commercial compatibility overlay district provides prohibitions and regulations on certain non-residential uses along collector and local streets in close proximity to residential lots to create a commercial development pattern that is compatible and harmonious with adjacent residential neighborhoods.

Section 3. That Chapter 17.36 of the Metropolitan Code is hereby amended by adding the following Section 17.36.750 (Overlay designation):

A commercial compatibility overlay district shall be created according to the procedures of Chapter 17.40, Article III and depicted as a geographical area on the official zoning map.

Section 4. That Chapter 17.36 of the Metropolitan Code is hereby amended by adding the following Section 17.36.760 (Permitted land uses):

The range of land uses permitted within a commercial compatibility overlay district shall be those permitted by the underlying zoning district(s) as established by the zoning district land use table of Section 17.08.030 with the exception that alternative financial services, ~~automobile repair, and~~ beer and cigarette market, ~~car wash, and liquor sales~~ uses shall be prohibited. The locations of automobile repair, car wash, and liquor sales shall be subject to a 2,640-linear foot distance requirement from the property line of any other property upon which the same use is located. Such uses newly proposed in a commercial compatibility overlay district shall be subject to the above distance requirements from any such uses currently existing both inside and outside of a commercial compatibility overlay.

Section 5. That Chapter 17.36 of the Metropolitan Code is hereby amended by adding the following Section 17.36.770 (Variation of conventional land use development standards):

Variations to the conventional land use development standards are:

- A. Automobile convenience uses are subject to the following conditions:
 1. All standards and conditions of Section 17.16.070, Subsection D shall apply except for Subsections D.3 and D.5.
 2. There shall be no more than ~~four~~ eight gasoline pumps per establishment
 3. No car wash shall be permitted.

4. No equipment rental shall be permitted.
 5. ~~No automobile convenience use shall be located on a parcel adjacent to a parcel zoned RS, R, or RM. Except for access points, the use shall be fully screened from adjacent parcels zoned RS, R, or RM by an appropriate buffer yard as determined by Table 17.24.230 and an eight-foot tall opaque fence or masonry wall.~~
- B. Automobile parking uses are subject to the following conditions:
1. Chain link fence, barbed wire, razor wire or similar fencing shall be prohibited.
 2. No inoperable vehicles shall be stored on the premises overnight.
 3. Except for access points, the parking area shall be fully screened from adjacent parcels zoned RS, R, or RM by an appropriate buffer yard as determined by Table 17.24.230 and an eight-foot tall opaque fence or masonry wall.
- C. Automobile service uses are subject to the following conditions:
1. Chain link fence, barbed wire, razor wire or similar fencing shall be prohibited.
 2. Outdoor storage or outdoor display of product shall be prohibited.
 3. Service doors shall be oriented away from any parcel that contains a residential dwelling unit.
 4. ~~No vehicles (operable or inoperable) shall be stored on the premises overnight.~~
 5. ~~No automobile service use shall be located on a parcel adjacent to a parcel zoned RS, R, or RM. Except for access points, the use shall be fully screened from adjacent parcels zoned RS, R, or RM by an appropriate buffer yard as determined by Table 17.24.230 and an eight-foot tall opaque fence or masonry wall.~~
- D. Bar or nightclub uses are subject to the following conditions:
1. All standards and conditions of Section 17.16.070, Subsection G shall apply.
 2. ~~No outdoor service or seating areas shall be permitted. All functions of the use shall be fully contained within a building. Outdoor service or seating areas must be at least 100 feet from the nearest property line of any parcel zoned RS or R and 10 feet from the nearest property line of any other parcel.~~
 3. ~~No outdoor sound amplification shall be permitted. Outdoor sound amplification is not permitted between the hours of nine p.m. and ten a.m.~~
 4. Operation of the establishment shall be prohibited between the hours of twelve a.m. and nine a.m.
 5. ~~No bar or night club use shall be located on a parcel adjacent to a parcel zoned RS, R, or RM. Except for access points, the use shall be fully screened from adjacent parcels zoned RS, R, or RM by an appropriate buffer yard as determined by Table 17.24.230 and an eight-foot tall opaque fence or masonry wall.~~
- E. Club uses are subject to the following conditions:
1. ~~Establishments shall be limited to two thousand five hundred square feet of gross floor area per establishment, with no~~ No more than one establishment is permitted per lot.
 2. ~~No outdoor service or seating areas shall be permitted. All functions of the use shall be fully contained within a building. Outdoor service or seating areas must be at least 100 feet from the nearest property line of any parcel zoned RS or R and 10 feet from the nearest property line of any other parcel.~~
 3. ~~No outdoor sound amplification shall be permitted. Outdoor sound amplification is not permitted between the hours of nine p.m. and ten a.m.~~
 4. Operation of the establishment shall be prohibited between the hours of twelve a.m. and nine a.m.
 5. ~~No club use shall be located on a parcel adjacent to a parcel zoned RS, R, or RM. Except for access points, the use shall be fully screened from adjacent parcels~~

zoned RS, R, or RM by an appropriate buffer yard as determined by Table 17.24.230 and an eight-foot tall opaque fence or masonry wall.

- F. Commercial amusement, inside uses are subject to the following conditions:
1. No more than one establishment is permitted per lot.
 2. Outdoor service or seating areas must be at least 100 feet from the nearest property line of any parcel zoned RS or R and 10 feet from the nearest property line of any other parcel.
 3. Outdoor sound amplification is not permitted between the hours of nine p.m. and ten a.m.
 4. Operation of the establishment shall be prohibited between the hours of twelve a.m. and nine a.m.
 5. Except for access points, the use shall be fully screened from adjacent parcels zoned RS or R by an appropriate buffer yard as determined by Table 17.24.230 and an eight-foot tall opaque fence or masonry wall.

Section 6. That Chapter 17.36 of the Metropolitan Code is hereby amended by adding the following Section 17.36.780 (Commercial compatibility overlay district):

- A. Application of the Commercial Compatibility Overlay District. Lots and parcels included in a district must have some portion of their frontage along one or more collector avenues as identified in the Major and Collector Street Plan or along one or more local streets, be contiguous, and be located within one hundred feet of a lot or parcel zoned RS, R, or RM. Each district shall consist of no more than fifty total acres.
- B. Eligible Zoning Districts. Commercial compatibility overlay districts shall only be applicable in mixed use, office, commercial, and shopping center zoning districts. Commercial compatibility overlay districts shall not be applicable to the DTC zoning district.
- C. Planning Commission Recommendation. The planning commission shall review a proposed commercial compatibility overlay district application for conformance with the General Plan. The planning commission shall act to recommend approval, approval with conditions, or disapproval of the application. Within ten working days of an action, the commission's resolution shall be transmitted in writing to the applicant, the metropolitan clerk, the zoning administrator, and all other appropriate governmental departments.
- D. Council Consideration. The metropolitan council shall consider an ordinance establishing a commercial compatibility overlay district according to the procedures of Article III of Chapter 17.40 (Amendments). All property owners within and proximate to a proposed Commercial Compatibility Overlay district shall be notified according to the procedures of Article XV of Chapter 17.40.
- E. Changes to a Commercial Compatibility Overlay District Boundary. A proposed change in the geographic boundary of a commercial compatibility overlay district on the official zoning map shall be considered by the Council according to the procedures of Article III of Chapter 17.40 (Amendments).

Section 7. Section 17.40.740.C.3 is hereby amended by deleting in its entirety and replacing with the following:

Applying the urban design overlay district, historic preservation district, neighborhood conservation district, urban zoning overlay district, contextual overlay district, corridor design overlay district, residential accessory structure overlay district, two-story residential overlay district, detached accessory dwelling unit overlay district, or commercial compatibility overlay district as provided in Chapter 17.36:

Section 8. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 9. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by:

Brandon Taylor
Member of Council

EXHIBIT A

Key: P-Permitted PC-Permitted w/ conditions* SE-Special exception* A-Accessory* O-Overlay * Refer to Chapter 17.16 for standards	Mixed Use				Office					Commercial				Shopping Center			
	MUN, MUN- NS, MUN- A, and MUN- A-NS	MUL, MUL- NS, MUL- A, and MUL- A-NS	MUG, MUG- NS, MUG- A, and MUG- A-NS	MUI, MUI- NS, MUI-A, and MUI-A- NS	ON	OL	OG and OG-NS	OR20 through OR40- A-NS	ORI, ORI- NS, ORI-A, and ORI-A- NS	CN, CN- NS, CN-A, and CN-A- NS	CL, CL- NS, CL-A, and CL-A- NS	CS, CS- NS, CS- A, and CS-A-NS	CA and CA-NS	CF and CF-NS	SCN and SCN-NS	SCC and SCC- NS	SCR and SCR-NS
Office Uses:																	
Alternative financial services	PC ^{AAA}	PC ^{AAA}	PC ^{AAA}	PC ^{AAA}													
Commercial Uses:																	
Automobile convenience		PC ^{AAA}	PC ^{AAA}	PC ^{AAA}							PC ^{AAA}	PC ^{AAA}	PC ^{AAA}	PC ^{AAA}	PC ^{AAA}	PC ^{AAA}	PC ^{AAA}
Automobile parking		P ^{AAA}	P ^{AAA}	P ^{AAA}							P ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}
Automobile repair												P ^{AAA}					
Automobile service			P ^{AAA}	P ^{AAA}							P ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}
Beer and cigarette market	PC ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}		A ^{AAA}	A ^{AAA}	A ^{AAA}	PC ^{AAA}	PC ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}	PC ^{AAA}	PC ^{AAA}	P ^{AAA}
Car wash		PC ^{AAA}	PC ^{AAA}	PC ^{AAA}							PC ^{AAA}	PC ^{AAA}	PC ^{AAA}	PC ^{AAA}		PC ^{AAA}	PC ^{AAA}
Liquor sales			P ^{AAA}	P ^{AAA}					P ^{AAA}		P ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}
Recreation and Entertainment Uses:																	
Club	P ^{AAA}	P ^{AAA}	P ^{AAA}	P ^{AAA}					P ^{AAA}		P ^{AAA}	P ^{AAA}		P ^{AAA}			

^{AAA} Uses located within the commercial compatibility overlay shall be regulated by Section 17.36.760 and Section 17.36.770.