



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** BL2021-797      **Name:**

**Type:** Bill (Ordinance)      **Status:** Passed

**File created:** 6/25/2021      **In control:** Metropolitan Council

**On agenda:** 11/16/2021      **Final action:** 11/16/2021

**Title:** An ordinance amending Section 17.12.070 of the Metropolitan Code to amend the requirements of the residential floor area ratio bonus in mixed use (Proposal No. 2021Z-011TX-001).

**Sponsors:** Brett Withers

**Indexes:**

**Code sections:**

**Attachments:** 1. BL2021-797, 2. Substitute BL2021-797, 3. Second Substitute BL2021-797

Date	Ver.	Action By	Action	Result
11/26/2021	3	Metropolitan Council	effective	
11/17/2021	3	Mayor	approved	
11/16/2021	3	Metropolitan Council	passed on third reading	
11/15/2021	1	Planning and Zoning Committee	approved	
11/2/2021	1	Metropolitan Council	substituted	
11/2/2021	2	Metropolitan Council	passed on second reading	
10/28/2021	1	Planning Commission	approved with conditions, disapproved without	
10/5/2021	2	Metropolitan Council	substituted	
10/5/2021	1	Metropolitan Council	public hearing	
10/5/2021	1	Metropolitan Council	deferred	
9/10/2021	1	Metropolitan Council	advertised	
7/6/2021	1	Metropolitan Council	deferred	
7/6/2021	1	Metropolitan Council	passed on first reading	
6/29/2021	1	Metropolitan Council	filed	

An ordinance amending Section 17.12.070 of the Metropolitan Code to amend the requirements of the residential floor area ratio bonus in mixed use (Proposal No. 2021Z-011TX-001).

BE IT ENACTED BY THE METROPOLITAN COUNCIL OF NASHVILLE & DAVIDSON COUNTY:

Section 1. That Section 17.12.070 of the Metropolitan Code is hereby amended by deleting the existing Subsection B and adding the following language as a new Subsection B:

B. Residential Bonus in the MUN and MUL Zoning Mixed Use, ORI, ORI-NS, ORI-A, ORI-A-NS, CF, CF-NS Districts.

1. For property located ~~either (a) in the MUI, MUI-NS, MUI-A, and MUI-A-NS district, or (b) within the urban zoning overlay district~~ and within the MUN, MUN-NS, MUN-A, MUN-A-NS, MUL, MUL-NS, MUL-

A, and MUL-A-NS zoning any mixed-use, ORI, ORI-NS, ORI-A, ORI-A-NS, CF, or CF-NS district, in any building where at least twenty-five percent of the floor area (exclusive of parking) is designed and constructed for residential occupancy, ~~the floor area designed and constructed for residential use shall not be counted in determining the floor area ratio of the building a bonus value of 1.0 may be applied to the permitted FAR of the zoning district. This bonus floor area shall be utilized for residential uses only.~~ This uncounted bonus floor area benefit shall not be combined with any other bonus allowed under this section or Section 17.36.090.

2. In any development that uses the uncounted floor area bonus benefit in subsection (B)(1) of this section, the following uses shall be prohibited from the development:
  - a. Short Term Rental Property - Owner Occupied
  - b. Short Term Rental Property - Not Owner Occupied

Section 2. That this Ordinance shall take effect five (5) days from and 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.

### Analysis

This ordinance, as substituted, amends Sections 17.12.070 of the Metropolitan Code of Laws to change the requirements to obtain a Floor Area Ratio (FAR) bonus for residential development in MUN, MUN-NS, MUN-A, MUN-A-NS, MUL, MUL-NS, MUL-A, and MUL-A-NS zoning districts within the Urban Zoning Overlay (UZO).

Currently, the residential FAR bonus cannot be given because it requires that 25% of the total, less 10, residential units created be restricted for use as affordable housing for a period of at least 7 years, which violates Tennessee Code Annotated Section 66-35-102. T.C.A. Section 66-35-102 prohibits the conditioning of development entitlements on the allocation of existing or newly constructed private residential or commercial rental units to be sold or rented at below market rates.

This ordinance replaces the affordable housing requirement for the residential FAR bonus with a prohibition on short term rental property - owner occupied and short term rental property - not owner occupied within any development that utilizes the residential FAR bonus.