



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** BL2021-796      **Name:**

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

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

**On agenda:** 8/17/2021      **Final action:** 8/17/2021

**Title:** An ordinance amending Sections 17.12.020 and 17.40.340 of the Metropolitan Code to modify the maximum height permitted in the RM9-A and RM15-A zoning districts, to amend the standards that may be varied, and to make housekeeping amendments pertaining to Table 17.12.020D (Proposal No. 2021Z-009TX-001).

**Sponsors:** Kathleen Murphy

**Indexes:**

**Code sections:**

**Attachments:** 1. BL2021-796, 2. BL2021-796 Amendment

Date	Ver.	Action By	Action	Result
8/27/2021	2	Metropolitan Council	effective	
8/18/2021	2	Mayor	approved	
8/17/2021	2	Metropolitan Council	passed on third reading	
8/16/2021	1	Planning and Zoning Committee	approved	
8/3/2021	1	Metropolitan Council	passed on second reading as amended	
8/3/2021	2	Metropolitan Council	amended	
8/3/2021	1	Metropolitan Council	public hearing	
7/22/2021	1	Planning Commission	approved with an amendment	
7/9/2021	1	Metropolitan Council	advertised	
7/6/2021	1	Metropolitan Council	passed on first reading	
6/29/2021	1	Metropolitan Council	filed	

An ordinance amending Sections 17.12.020 and 17.40.340 of the Metropolitan Code to modify the maximum height permitted in the RM9-A and RM15-A zoning districts, to amend the standards that may be varied, and to make housekeeping amendments pertaining to Table 17.12.020D (Proposal No. 2021Z-009TX-001).

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

Section 1. That Table 17.12.020D of Section 17.12.020 (District Bulk Tables) is hereby amended by deleting the Max. Density of 15 for the RM9-A and RM9-A-NS zoning districts and replacing it with a Max. Density of 9.

Section 2. That Table 17.12.020D of Section 17.12.020 (District Bulk Tables) is hereby amended by deleting the Max. Density of 9 for the RM15-A and RM15-A-NS zoning districts and replacing it with a Max. Density of 15.

Section 3. That Table 17.12.020D of Section 17.12.020 (District Bulk Tables) is hereby amended by deleting

the Max. Height in Build-to Zone of 20 feet for the RM9-A and RM9-A-NS zoning districts and replacing it with 30 feet.

Section 4. That Table 17.12.020D of Section 17.12.020 (District Bulk Tables) is hereby amended by deleting the Max. Height in Build-to Zone of 20 feet for the RM15-A and RM15-A-NS zoning districts and replacing it with 30 feet.

Section 5. That Table 17.12.020D, Note 3.h of Section 17.12.020 (District Bulk Tables) is hereby amended by deleting Note 3.h in its entirety and replacing it with the following:

h. In the UZO:

- i. Where an improved alley exists, primary vehicular access shall be taken from the alley.
- ii. Any unimproved alley abutting the property that would provide direct access to an improved alley or street shall be constructed as the primary vehicular access.
- iii. A parcel that is sixty feet wide or greater shall have the front facade of the building extend across at least sixty percent of the parcel's frontage.
- iv. A parcel less than sixty feet wide shall have the building's front facade extend across the full width of the parcel in mixed-use, office and commercial districts.
- v. If an improved alley is not present or required, an opening of up to twenty-six feet wide shall be permitted, regardless of the requirements of subsections iii and iv above.
- vi. Parking shall be permitted only at the sides and rears of buildings

Section 6. That Section 17.40.340 is hereby amended by deleting subsection 17.40.340.A in its entirety and replacing it with the following:

- A. The board shall not grant variances to the following sections:

Sections

Section 17.08.030 (land uses)

Tables 17.12.020 A-D (minimum lot area)

Tables 17.12.020 A-D (density)

Tables 17.12.020 A-D (floor area ratio [FAR])

Section 17.12.080 (lot averaging)

Section 17.12.090 (cluster lot option)

Section 17.16.030.F (adaptive residential use)

Section 17.16.070.U (Operating a not owner-occupied short term rental property without a permit)

Section 17.16.250.E (Operating an owner-occupied short term rental property without a permit)

Section 17.36.070.C (PUD minimum lot size)

Section 17.37 (Downtown Code (DTC))<sup>1</sup>

Note 1: Within the DTC district, however, variances may be granted for building height at the street and overall building height, with a recommendation from the planning commission.

Section 7. This Ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

This ordinance, as amended, amends Sections 17.12.020 and 17.40.340 of the Metro Code to make housekeeping amendments pertaining to Table 17.12.020.D, which establishes the bulk standards for the Multi-family, Mixed Use and Nonresidential Alternative Zoning districts.

The amendments to Table 17.12.020.D correct a typographical error in the maximum density permitted in the RM9-A/RM9-A-NS and the RM15-A/RM15-A-NS districts. Currently, the listed maximum density in the RM9-A/RM9-A-NS districts is 15 units per acre and the listed maximum density in the RM15-A/RM15-A-NS districts is 9 units per acre. The correct density allowance for the RM9-A/RM9-A-NS districts should be 9 units per acre, and the correct density allowance for the RM15-A/RM15-A-NS districts should be 15 units per acre.

The amendments to Table 17.12.020.D also adjust the maximum height in the build-to zone for the RM9-A/RM9-A-NS and RM15-A/RM15-A-NS districts to 30 feet. Currently, both districts permit a maximum height in the build-to zone of 20 feet. A 15-foot step-back is then required before reaching a maximum overall height of 35 feet.

The ordinance also includes an amendment to Note 3 of Table 17.12.020.D to clarify the alley access requirements for development in Alternative districts to match the Zoning Administrator's interpretation that where an improved alley exists, it must be utilized as the primary vehicular access. Currently, Table 17.12.020.D, Note 3.h addresses circumstances where there is an unimproved alley adjacent to the site (the alley must be improved and utilized for access) and circumstances where no alley exists (a driveway opening of up to 26 feet wide is permitted), but this note does not address circumstances where an improved alley is already present.

Finally, the ordinance amends Section 17.40.340, which establishes the limits of jurisdiction for the Board of Zoning Appeals (BZA) when granting variances, to correct omissions from the lists of tables for which minimum lot area, density, and floor area ratio may not be varied.

The ordinance has been approved by the planning commission.