



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** BL2022-1509      **Name:**

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

**File created:** 10/11/2022      **In control:** Planning and Zoning Committee

**On agenda:** 2/21/2023      **Final action:** 2/21/2023

**Title:** An ordinance amending Chapters 17.36 and 17.40 of the Metropolitan Code to create a Two-Story Residential Overlay district (Proposal No. 2022Z-018TX-001).

**Sponsors:** Jeff Syracuse

**Indexes:**

**Code sections:**

**Attachments:** 1. Amendment No. 1 to BL2022-1509

Date	Ver.	Action By	Action	Result
3/3/2023	1	Metropolitan Council	effective	
2/23/2023	1	Mayor	approved	
2/21/2023	1	Metropolitan Council	passed on third reading as amended	
2/21/2023	1	Metropolitan Council	amended	
2/21/2023	1	Planning and Zoning Committee	approved with an amendment	
2/7/2023	1	Metropolitan Council	passed on second reading	
2/7/2023	1	Metropolitan Council	public hearing	
1/12/2023	1	Planning Commission	approved	
1/6/2023	1	Metropolitan Council	advertised	
10/18/2022	1	Metropolitan Council	deferred	
10/18/2022	1	Metropolitan Council	passed on first reading	
10/11/2022	1	Metropolitan Council	filed	

An ordinance amending Chapters 17.36 and 17.40 of the Metropolitan Code to create a Two-Story Residential Overlay district (Proposal No. 2022Z-018TX-001).

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

Section 1. That Chapter 17.36 of the Metropolitan Code is hereby amended by creating Article XVI - Two-Story Residential Overlay, as follows:

17.36.630 Purpose and intent.

The two-story residential overlay district provides appropriate building height standards in residential areas necessary to maintain and reinforce the established form and character of residential development in a particular area.

17.36.640 - Overlay designation.

A Two-Story Residential 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.

17.36.650 - Guidelines.

- A. Principal Structures. Principal structures shall not exceed two stories in 35 feet in height as measured from the finished grade.
- B. Accessory Structures. Accessory structures shall not exceed one story or sixteen feet in height as measured from the finished grade, whichever is less. The top elevation of an accessory structure shall not exceed the top elevation of the principal structure.

17.36.660 - Permitted land uses.

The range of land uses permitted within a two-story residential 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.

17.36.670 - Variation of conventional standards.

The two-story residential overlay district varies the conventional standards of the underlying zoning district(s) as established in Chapter 17.12, Sections 17.12.020 and 17.12.060.

17.36.675 - Two-Story Residential Overlay District.

- A. Application for a Two-Story Residential Overlay District. Lots included in a district must be contiguous.
- B. Historic Overlay District. A two-story residential overlay district shall not be applied in an adopted historic overlay district. Adoption of a historic overlay district shall supersede an adopted residential accessory structure overlay district and only the requirements of the historic overlay district shall apply.
- C. Contextual Overlay District. A two-story residential overlay district shall not be applied in an adopted contextual overlay district. Adoption of a contextual overlay district shall supersede an adopted residential accessory structure overlay district and only the requirements of the contextual overlay district shall apply.
- D. Urban Design Overlay District. A two-story residential overlay district shall not be applied in an adopted urban design overlay district. Adoption of an urban design overlay district shall supersede an adopted residential accessory structure overlay district and only the requirements of the urban design overlay district shall apply.
- E. Urban Zoning Overlay. A two-story residential overlay district shall not be applied in the adopted urban zoning overlay district. Expansion of the urban zoning overlay district shall supersede an adopted two-story residential overlay district and only the requirements of the urban zoning overlay district shall apply.
- F. Eligible Zoning Districts. Two-story residential overlay districts shall only be applicable in single family (RS and RS-A) and one- and two-family (R and R-A) residential zoning districts. Two-story residential overlay districts shall not be applied to property within specific plan (SP) zoning districts.
- G. Planning Commission Recommendation. The planning commission shall review a proposed two-story residential 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 metro clerk, the zoning administrator and all other appropriate governmental departments.

- H. Council Consideration. The metropolitan council shall consider an ordinance establishing a two-story residential overlay district according to the procedures of Article III of Chapter 17.40 (Amendments). All property owners within and proximate to a proposed two-story residential overlay district shall be notified according to the procedures of Article XV of Chapter 17.40.
- I. Final Site Plan Approval. For property located within a two-story residential overlay district, a final site plan application shall be submitted for review and approval by the zoning administrator in a manner consistent with the procedures of Section 17.40.170A. The applicant is required to submit all necessary information to the zoning administrator and to certify the accuracy of the submitted information.
- J. Modifications to Design Standards Not Permitted. Two-story residential overlay districts shall be adopted with the standards outlined in 17.36.590 (Guidelines). Modifications to these standards shall not be permitted. Variance requests shall follow the process outlined in Chapter 17.40.
- K. Changes to a Two-Story Residential Overlay District Boundary. A proposed change in the geographic boundary of a two-story residential 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 2. That Article XIV. - Detached Accessory Dwelling Unit (DADU) Overlay District of Chapter 17.36 is renumbered as Article XVII.

Section 3. 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, or detached accessory dwelling unit overlay district as provided in Chapter 17.36;

Section 4. 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 5. 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.

### Analysis

This ordinance amends Chapters 17.36 and 17.40 of the Metropolitan Code to create a Two-Story Residential Overlay district. The proposed overlay district limits the height of a principal structure to two stories up to 35 feet and an accessory structure to one story up to 16 feet and not to exceed the height of its principal structure. All heights would be measured from finished grade. The proposed overlay can only be implemented in areas with underlying R, R-A, RS, or RS-A zoning and does not affect land uses.

Under standard zoning, the maximum height for single family and two-family residential units in residential zoning districts is three stories and the maximum height of an accessory structure is one story of 16 feet in zoning districts with a minimum lot size of less than 40,000 square feet. In districts with a minimum lot size of

40,000 or greater, an accessory structure may have a height of up to two stories and 24 feet.

This item was approved by the Planning Commission at its January 12, 2023 meeting.