



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2023-138, **Version:** 1

An ordinance amending Section 17.40.010 of the Metropolitan Code, Zoning Regulations to require notice to the district council member for reasonable accommodations to the Zoning Ordinance granted by the zoning administrator (Proposal No. 2024Z-001TX-001).

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

Section 1. That Section 17.40.010 of the Metropolitan Code, Subsection I.1, is hereby amended by deleting it in its entirety and replacing it with the following:

1. For purposes of this section "person" shall mean an individual, group or institution. Any person who has a handicap or disability recognized by federal law, provides housing for such a person or whose religious exercise is burdened by a provision of this title, or a representative of any such person, may request in writing a reasonable accommodation as contemplated in this section. The right to request a reasonable accommodation shall be prominently displayed in the public area under the supervision of the zoning administrator and on the publicly accessible portion of any Internet website maintained by the metropolitan government and devoted to local codes enforcement and zoning matters. The zoning administrator shall make, and document in writing, specific findings of fact in support of every decision to grant or deny an accommodation sought under this paragraph and issue a determination within thirty days of the request being made. The zoning administrator's decision shall be reviewable by the board of zoning appeals upon the filing of a notice of appeal by any person or entity aggrieved by the decision. In addition, written notice of the zoning administrator's decision to grant or deny a reasonable accommodation shall be given to the council member whose district contains the parcel containing the reasonable accommodation and be mailed to all property owners within one thousand feet of the subject property within five business days of the zoning administrator's decision, and such notice must include information about the reasonable accommodation and the procedures to file a notice of appeal. Any appeal brought under this subsection must be in writing and filed with the board of zoning appeals not more than thirty days after issuance of the zoning administrator's decision. Documents comprising the record of any determination made with respect to the grant or denial of a request for an accommodation by the zoning administrator or the board of zoning appeals shall be kept on file for not less than three years from the date of final decision and available for public inspection upon reasonable notice.

Section 2. 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 3. 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 Section 17.40.010 of the Metropolitan Code to require written notice of the zoning administrator's decision to grant or deny a reasonable accommodation request to the council member whose

district contains the parcel containing the reasonable accommodation.

Reasonable accommodations to zoning code requirements may be granted by the zoning administrator to any person, or their representative, who has a disability recognized by federal law, who provides housing for such a person, or whose religious exercise is burdened by a provision of this title. The zoning administrator's decision to approve or deny a reasonable accommodation request may be appealed to the Board of Zoning Appeals within 30 days of the issuance of the zoning administrator's decision.

Currently, the zoning administrator is required to provide a mailed notice to all surrounding property owners within 1,000 feet of the property where a reasonable accommodation is being sought within five business days of the zoning administrator's decision. The ordinance under consideration would expand this notice requirement to include the relevant district council member in addition to the surrounding property owners.

The Planning Commission recommended approval of this ordinance at their January 11, 2024, meeting.