



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2024-185, **Version:** 1

An ordinance to amend Section 6.28.030, Section 13.12.110, and Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County relative to the creation of the “residential scale multi-family” residential use, all of which is more particularly described herein (Proposal No. 2024Z-007TX-001).

WHEREAS, the Affordable Housing Task Force Report dated June 8, 2021 (the “Report”) found that, since 2011, rents and home values have increased by fifty percent (50%); and

WHEREAS, these increases in rent and home values, as well as decreases in housing types, have caused a housing affordability crisis for Nashvillians, forcing many owners and renters to leave Nashville to find appropriately scaled and affordably priced housing; and

WHEREAS, the health and resiliency of our local economy - including, but not limited to, the functioning of our schools, police force, and fire departments, continued viability of our arts ecosystem, ability to provide a welcoming place to visit, and our entrepreneurship culture - are dependent on housing options affordable for all Nashvillians; and

WHEREAS, NashvilleNext found that Nashville should work towards offering a wider variety of housing types within neighborhoods, including missing middle housing, to address affordability and scale needs; and

WHEREAS, the Report called on government to reduce barriers to developing strategic and appropriate density, including, but not limited to allowing for gentle density and for streamlining of creation and conversion of missing middle housing; and

WHEREAS, meeting NashvilleNext’s and the Report’s goals for allowing for the creation of missing middle housing are critical pieces in solving Nashville’s housing affordability crisis; and

WHEREAS, this ordinance will allow for more flexibility in the creation of missing middle housing in Nashville and Davidson County.

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

Section 1. That Section 6.28.030, Subsection A.2 of the Metropolitan Code of Laws shall be deleted in its entirety and replaced with the following:

Requirements and restrictions.

- a. No person or entity shall operate an STRP or advertise a residential property for use as an STRP without the owner of the property first having obtained an STRP permit issued by the department of codes administration in accordance with the provisions of this chapter.
- b. Any advertising or description of an STRP on any internet website must: (a) prominently display the permit number for the STRP unit; or (b) include an image of the permit, or a link to an image of the permit, in which the permit number is legible. Further, other than for a legally permitted detached accessory *dwelling unit*; for a legally permitted accessory apartment; for a two-family residential unit under common ownership with a two-family unit on the same lot permitted in accordance with subsection A.2.e. of this section; or for a multi-family residential unit under common ownership with a multi-family unit on the same lot permitted in accordance with subsection A.2.e. of this section,

advertisements for an owner-occupied STRP shall not advertise availability of entire/whole home for STRP use.

- c. To qualify for an *STRP*-Owner-occupied permit, the owner of the property shall permanently reside in the *STRP* or, for conforming uses in Single-Family, Two-Family, and Residential Scale Multi-Family zoning districts, the owner shall permanently reside in a residential unit on the same lot and not more than one permit shall be issued and in effect per lot. The owner of the property: (1) must be a natural person or persons; (2) may not be a limited liability entity, including without limitation a corporation or limited liability company; and (3) may not be an unincorporated entity, including without limitation a partnership, joint venture, or trust.
- d. Only one permit shall be issued per lot in RS/RS-A and R/R-A zoning districts.
- e. Ownership of two-family and residential scale multi-family dwellings.
 - i. The property ownership of the units on the lot cannot be divided.
 - ii. All units on a lot shall be owned by the same person and one of the units shall be the primary residence of the owner.
 - iii. Prior to the issuance of a permit, an instrument shall be prepared and recorded with the register's office covenanting that the structure(s) may only be used under the conditions listed above as long as the *STRP*-Owner-occupied permit is valid.
- f. Notwithstanding any provision herein to the contrary, any residential dwelling created by or contained within a horizontal property regime pursuant to Tenn. Code Ann. § 66-27-101, et seq. shall not be limited or otherwise restricted by subsections (d) or (e) of this section if a permit was issued on or before July 1, 2019.

Section 2. That Section 13.12.110, Subsections A and B of the Metropolitan Code of Laws shall be deleted in their entirety and replaced with the following:

- A. Driveways for single-family, two-family, and residential scale multi-family residential uses, as designated in the zoning ordinances, shall be not less than twelve feet nor more than twenty-two feet in width.
- B. Driveways for uses other than single-family, two-family, and residential scale multi-family residential, as designated in the zoning ordinances, shall be not less than fifteen feet nor more than thirty-five feet in width. The total width of driveways shall not exceed forty per cent of the property length in which the driveways shall be located.

Section 3. That Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, as shown in Exhibit A.

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.