Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #:	BL2022-1216		
Type:	Bill	**Status:**	Passed
File created:	3/24/2022	**In control:**	Planning and Zoning Committee
On agenda:	7/19/2022	**Final action:**	7/19/2022
Title:	An ordinance amending Title 17 of the Metropolitan Code of Laws to update the land use table pertaining to Commercial Amusement (outside) uses within the Downtown Code (Proposal No. 2022Z-006TX-001).		
Sponsors:	Freddie O'Connell		
Indexes:			
Code sections:			
Attachments:			

Date	Ver.	Action By	Action	Result
7/22/2022	1	Metropolitan Council	effective	
7/20/2022	1	Mayor	approved	
7/19/2022	1	Metropolitan Council	passed on third reading	
7/18/2022	1	Planning and Zoning Committee	approved	
7/5/2022	1	Metropolitan Council	passed on second reading	
7/5/2022	1	Metropolitan Council	public hearing	
6/10/2022	1	Metropolitan Council	advertised	
4/28/2022	1	Planning Commission	approved	
4/19/2022	1	Metropolitan Council	passed on first reading	
4/12/2022	1	Metropolitan Council	filed	

An ordinance amending Title 17 of the Metropolitan Code of Laws to update the land use table pertaining to Commercial Amusement (outside) uses within the Downtown Code
(Proposal No. 2022Z-006TX-001).

WHEREAS, NashvilleNext was adopted in 2017 and acknowledges that while the Downtown Core is primarily the commercial center of Downtown the surrounding neighborhoods are intended to be more diverse and mixed use; and

WHEREAS, land uses which may produce significant sensory and auditory impacts within mixed-use neighborhoods require careful consideration; and

WHEREAS, the Board of Zoning appeals is empowered to consider the compatibility of certain land uses when they are permitted by special exception;

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

Section 1. That Section 17.08.030 of the Metropolitan Code of Laws is hereby amended by changing Commercial Amusement (outside) from P to SE for the North, South and West Use Areas of the DTC zoning district

Section 2. That Chapter 17.37 of the Metropolitan Code of Laws is hereby amended by changing Commercial Amusement (outside) from P to SE for the North, South and West Use Areas on page 58 of the Downtown Code.

Section 3. That Section 17.16.220 of the Metropolitan Code of Laws is hereby amended by deleting subsection C and replacing as follows:

C. Commercial Amusement (outside).
   1. Applicable to all zoning districts where Commercial Amusement (outside) is a SE use:
      a. Lighting. All light and glare shall be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.
      b. The board of zoning appeals may stipulate, based on the zoning pattern and nature of the land uses in the immediate area, whether a maximum of sixty or seventy decibels noise level on the A-weighted scale shall be permitted to occur at the site boundary.

   2. Applicable only to IWD and IR zoning districts:
      a. Buildings. Any new structure constructed on the property shall be no greater in size than one thousand, five hundred square feet.
      b. Setback. Where any building or outdoor storage area, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet from the property line.
      c. Landscape Buffer. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard standard A shall be applied along common property lines.
      d. Street Standard. At a minimum, driveway access shall be from a collector street.

   3. Applicable only to the North, South, and West Use Areas of the DTC zoning district:
      a. Hours of Operation: All events including sound amplification shall only take place between the hours of 9:00 AM and 11:00 PM. The board of zoning appeals may further restrict the hours and days of operation.
      b. Traffic Management Study. A traffic management study shall be required.
      c. Lot Area. A minimum lot size of one acre shall be required for a Commercial Amusement (outside) use.
      d. Separation from Residential Properties. Prior to conducting a special exception hearing before the board of zoning appeals, the planning department shall determine if the subject lot proposed for the Commercial Amusement (outside) use is within five hundred feet of the property line of a lot with a residential use (including multifamily). If it is determined that the subject lot is within five hundred feet of a residential use, the special exception shall not be approved.

Section 3. Be it further enacted, that this ordinance take effect five 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 amends Chapters 17.08, 17.16, and 17.37 of the Metropolitan Code to change the “Commercial Amusement (Outside)” use from a Permitted use (P) to a use permitted by Special Exception

(SE) within the North, South, and West Use Areas of the Downtown Code (DTC) zoning district. The Commercial Amusement (Outside) use allows for “the provision of entertainment or games of skill to the general public for a fee, or a permanent event space, where any portion of the activity takes place outside of a building, including but not limited to a golf driving range, archery range or miniature golf course. This use does not include a stadium.”

This ordinance also establishes additional conditions that must be met for a Commercial Amusement (Outside) use to be granted a Special Exception within the DTC zoning district. These additional conditions include requirements for hours of operation, traffic management studies, minimum lot area, and requires a minimum 500-foot separation from existing residential uses for Commercial Amusement (Outside) uses. All Special Exception uses must be approved by the Board of Zoning Appeals prior to the commencement of any operations.

This ordinance has been approved by the Planning Commission.