



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: BL2022-1508

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 Sections 17.08.030, 17.16.030, and 17.16.160 of the Metropolitan Code, Zoning Regulations to change the Multi-family use in the IWD - Industrial Warehousing/Distribution and IR - Industrial Restrictive zoning districts from being permitted with conditions to requiring a special exception (Proposal No. 2022Z-019TX-001).

Sponsors: Kyonzte Toombs

Indexes:

Code sections:

Attachments: 1. Exhibit A

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	
2/21/2023	1	Planning and Zoning Committee	approved	
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 Sections 17.08.030, 17.16.030, and 17.16.160 of the Metropolitan Code, Zoning Regulations to change the Multi-family use in the IWD - Industrial Warehousing/Distribution and IR - Industrial Restrictive zoning districts from being permitted with conditions to requiring a special exception (Proposal No. 2022Z-019TX-001).

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

Section 1. That the Zoning District Land Use Table in Section 17.08.030 of the Metropolitan Code is hereby amended as shown in Exhibit A.

Section 2. That Subsection 17.16.030.E.3 of the Metropolitan Code is hereby deleted in its entirety.

Section 3. That Subsection 17.16.030.F.9 of the Metropolitan Code is hereby deleted in its entirety and subsequent subsections renumbered accordingly.

Section 4. That Subsection 17.16.160.C is deleted in its entirety and replace with the following new Subsection C:

C. Multi-family.

1. In IWD and IR Districts.

a. Accessory to the Manufacturing, Artisan use.

- i. A maximum of two units per lot shall be permitted as an accessory use to Manufacturing, Artisan use.
- ii. Residential uses shall be supported by the Community Plan, as determined by the planning department.
- iii. No hazardous materials or uses shall be located within an unsafe distance of the proposed residential use, as evidenced by the testimony presented to the board of zoning appeals. Notices shall be sent to all property owners within three hundred feet no later than 30 days prior to the board of zoning appeals hearing date notifying them of the proposed residential use, the board of zoning appeals hearing date, and requesting information regarding hazardous materials or uses located within an unsafe distance of the proposed residential use. The zoning administrator shall make a recommendation to the board of zoning appeals as to the adequacy of the distance between the proposed residential use and any hazardous materials.

b. Adaptive Residential Development. A multi-family use shall be permitted provided it is located within an existing structure located within the urban services district having the majority of its frontage on an arterial street or collector street as shown on the adopted Major Street Plan and where a minimum of forty percent of the existing structure's gross floor area is devoted to residential uses, subject to the conditions below. Otherwise, all other requirements and standards established by other chapters of this title, as well as any other applicable metropolitan government, state or federal regulation, shall apply to the development and use of properties shown on the final site plan. In case of conflict between the standards of this section and other chapters of this Zoning Code, the provisions of this section shall control:

- i. Structure Eligibility. All structures within the IWD and IR districts shall meet the following requirements to be eligible for the multi-family use:
 - A. The structure must be determined to be worthy of conservation by the Metro Historical Commission.
 - B. The structure must be a minimum of 50 years old at the time of application for the special exception.
 - C. The structure must be preserved with no additions, deletions, or alterations which would be inconsistent with the historic nature of the building or significantly alter the building's exterior appearance (i.e., blocking out windows with brick or other materials).
- ii. Residential Floor Area. No density or floor area ratio shall apply to those portions of a non-residential building converted to a residential use.
- iii. Building Orientation. A primary building entrance shall be oriented to the arterial street, to the extent feasible. On a corner lot, entrances shall be determined by the board of zoning appeals.
- iv. Parking. Parking spaces shall be required for any residential, commercial and/or retail use in accordance with Chapter 17.20. In addition, no more than one and one-half spaces shall be required per a residential dwelling unit. Tandem residential parking may be no more than two cars in depth. If parking is provided in a new deck or structure, the ground floor of the parking facility abutting a public street shall contain commercial or retail uses for seventy-five percent of the street frontage. The commercial or retail area shall have a minimum depth of twenty feet, a minimum height of fourteen feet (floor to floor) for the first floor of the garage at street level, with each storefront having between fifty-five percent and eighty-five percent glazed window area along the

garage wall facing the public street.

- v. Traffic Impact Study. No traffic impact study shall be required, except the board of zoning appeals may require a study for developments of one hundred dwelling units or greater.
- vi. Landscaping. Notwithstanding Section 17.24.050(A), any single addition that increases the total building area by twenty-five percent or more of an existing building, in whole or in part, shall provide landscaping as required by this title. Where the number of parking spaces is increased by twenty-five percent, either through a parking lot expansion or the construction of a new parking lot, interior parking lot landscaping shall be required.
- vii. Viable Industrial Uses. The board of zoning appeals shall determine that the project will not displace viable industrial uses. The multi-family use shall not displace viable industrial uses.
- viii. Hazardous Materials or Uses. No hazardous materials or uses shall be located within an unsafe distance of the proposed residential use, as evidenced by the testimony presented to the board of zoning appeals. Notices shall be sent to all property owners within three hundred feet no later than 30 days prior to the board of zoning appeals hearing date notifying them of the proposed residential use, the board of zoning appeals hearing date, and requesting information regarding hazardous materials or uses located within an unsafe distance of the proposed residential use. The zoning administrator shall make a recommendation to the board of zoning appeals as to the adequacy of the distance between the proposed residential use and any hazardous materials.
- ix. Alternative Standards. Where a proposed residential development cannot comply with standards of this subsection, the board of zoning appeals may approve alternative standards. The board shall determine that the applicant has demonstrated that the relief being requested will not be injurious to surrounding properties, nor violates the adopted general plan. The board shall not act on any application requesting alternative standards without first considering recommendations from the planning commission and the historic zoning commission.

2. In the IG District.

- a. Accessory to the Manufacturing, Artisan use.
 - i. A maximum of two units per lot shall be permitted as an accessory use to Manufacturing, Artisan use.
 - ii. Residential uses shall be supported by the Community Plan, as determined by the planning department.
 - iii. No hazardous materials or uses shall be located within an unsafe distance of the proposed residential use, as evidenced by the testimony presented to the board of zoning appeals. Notices shall be sent to all property owners within three hundred feet no later than 30 days prior to the board of zoning appeals hearing date notifying them of the proposed residential use, the board of zoning appeals hearing date, and requesting information regarding hazardous materials or uses located within an unsafe distance of the proposed residential use. The zoning administrator shall make a recommendation to the board of zoning appeals as to the adequacy of the distance between the proposed residential use and any hazardous materials.

Section 5. 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 6. 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 Title 17 of the Metropolitan Code to change the multi-family use in the IWD - Industrial Warehousing/Distribution and IR - Industrial Restrictive zoning districts from being permitted with conditions to requiring a special exception. Special exceptions require a public hearing and approval by the Board of Zoning Appeals, whereas uses permitted with conditions are administratively approved by the Codes Department if all listed conditions for the use in Chapter 17.16 of the Metropolitan Code are met. The proposed special exception regulations for the multi-family use are the same as the currently required conditions, with the exception that being located within the Downtown Donelson Urban Design Overlay (UDO) will no longer exempt a potential adaptive residential building from the requirement that its parcel have the majority of its frontage on an arterial or collector street. There are no IWD or IR zoned parcels within the Downtown Donelson UDO.

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