Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #:	BL2024-187		
Type:	Bill	**Status:**	Passed
File created:	1/29/2024	**In control:**	Planning and Zoning Committee
On agenda:	7/16/2024	**Final action:**	7/16/2024
Title:	An ordinance amending Section 17.16.030 of the Metropolitan Code, Zoning Regulations to amend the conditions for adaptive residential developments located in non-residential zoning districts where residential uses are permitted with conditions (Proposal No. 2024Z-004TX-001).		
Sponsors:	Rollin Horton, Quin Evans-Segall, Terry Vo, Emily Benedict, Jordan Huffman, Ginny Welsch, Sandra Sepulveda, Jacob Kupin, Mike Cortese, Russ Bradford, Jason Spain, Burkley Allen, Sandy Ewing		
Indexes:			
Code sections:			
Attachments:	1. Exhibit A, 2. Substitute BL2024-187, 3. Amendment A - BL2024-187, 4. Amendment B - BL2024-187		

Date	Ver.	Action By	Action	Result
7/26/2024	2	Metropolitan Council	effective	
7/18/2024	2	Mayor	approved	
7/16/2024	2	Metropolitan Council	passed on third reading as amended	Pass
7/16/2024	2	Metropolitan Council	amended	
7/15/2024	2	Planning and Zoning Committee	approved with amendments	
7/2/2024	2	Metropolitan Council	passed on second reading	
7/2/2024	2	Metropolitan Council	public hearing	
6/27/2024	1	Planning Commission	approved with a substitute	
6/7/2024	2	Metropolitan Council	advertised	
5/21/2024	2	Metropolitan Council	passed on first reading	
5/21/2024	1	Metropolitan Council	substituted	
5/7/2024	1	Metropolitan Council	deferred	
4/2/2024	1	Metropolitan Council	deferred	
2/6/2024	1	Metropolitan Council	deferred	
1/30/2024	1	Metropolitan Council	filed	

An ordinance amending Section 17.16.030 of the Metropolitan Code, Zoning Regulations to amend the conditions for adaptive residential developments located in non-residential zoning districts where residential uses are permitted with conditions (Proposal No. 2024Z-004TX-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 of Laws is hereby amended as shown in Exhibit A.~~ That Subsection 17.16.030.F is hereby deleted in its entirety and

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replaced with the following:

F. Adaptive Residential Development. A residential use shall be permitted provided a minimum of forty percent of the existing or proposed building's gross floor area is devoted to residential uses, subject to the following conditions:

1. Applicability. The provisions of this section shall apply to any residential use permitted with conditions in a non-residential zoning district.
2. Design Standards. Except as noted below, 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, except for council-approved plans such as specific plan districts, planned unit developments, urban design overlay districts, and redevelopment districts.
    a. All Residential Uses. The standards of this section shall apply only to a building or portion thereof converted to residential use, any addition to an existing building for residential use, and any new construction building, where a minimum of forty percent of the building's gross floor area is devoted to residential use, as explicitly shown on the approved final site plan under the authority of Section 17.40.170(A) of this title. The standards of this section shall not apply to any building proposing to devote less than forty percent of the gross floor area to residential uses.
    b. Single-Family and Two-Family Residential Uses. Single-family and two-family uses shall be permitted only in an existing building.
3. Residential Floor Area. In all non-residential districts that permit with conditions a residential use, no density or floor area ratio applies to those portions of a non-residential building converted to a residential use or to new residential construction.
4. Building Orientation. In any new or existing building, a primary building entrance shall be oriented to the street. On a corner lot, entrances shall be oriented to each street.
5. Driveway Access. For new construction, driveway access shall be determined in consultation with Nashville Department of Transportation with priority given to arterial and collector streets.
6. Parking. Parking spaces shall be required for any residential, commercial and/or retail use in accordance with Chapter 17.20. Outside of the UZO, no more than one and one-half spaces shall be required per a residential dwelling unit. 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. Upper levels of structured parking visible from public streets shall either be lined with active uses or screened with architectural screening.
7. Multimodal Transportation Analysis. Multimodal transportation analysis shall be required per Section 17.20.140.
8. 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.
9. Final Site Plan Approval. A final site plan application shall be submitted for review and approval in a manner consistent with the procedures of Section 17.40.170(A) or 17.40.170(B), as applicable, and any supplemental information requested after review of the application. Final site plan applications shall be of sufficient detail to fully describe the ultimate form of development and demonstrate full compliance with all applicable standards. The zoning administrator, upon advice of the appropriate metropolitan government agencies, shall grant final site plan approval based on

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findings that the design, proportions, and articulation of the proposed residential use are compatible with, and do not impact, the abutting or adjacent uses.

10. Alternative Design Standards. Where a proposed residential development cannot comply with the standards of this section, the applicant shall be required to submit for review by the board of zoning appeals a special exception, in accordance with Sections 17.16.140 and 17.16.150 of this title. The minimum filing fee shall be equal to a commercial application as per the adopted board of zoning appeals fee schedule. In granting such approval of a special exception application, 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 without first considering a recommendation from the planning department.
11. Notice. Applicants seeking an adaptive residential development use shall provide mailed notice of the proposed use, including the total number of dwelling units proposed, to all property owners within one thousand feet of the subject property no more than twenty-one days following the application of any permit related to the proposed adaptive residential development. Properties owned by the applicant shall not be included in the distance measurement for public notice. In addition to notification of individual property owners, an incorporated condominium association registered with the metropolitan clerk as requesting notification shall also be notified.

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, as substituted, amends Section 17.16.030 of the Metropolitan Code to amend the conditions related to adaptive residential development permitted with conditions. Adaptive residential development permitted with conditions covers all residential uses permitted with conditions in the OG, CN, CL, CS, CA, CF, SCN, and SCC zoning districts and their -A and -NS variants. There is a second type of adaptive residential development permitted by special exception in the IWD and IR zoning districts that is not impacted by the changes proposed by this ordinance.

As proposed, the ordinance would remove the requirements that properties eligible for adaptive residential development be located within the Urban Services District and have a majority of their street frontage along a collector or arterial street as determined by the Major & Collector Street Plan. Removing these requirements makes any parcel in a non-residential zoning district that permits residential uses with conditions eligible for adaptive residential development throughout the county. The ordinance would also update other conditions to match revised language used in other parts of the Zoning Code, remove an obsolete exception for single family and two-family uses in the CF zoning district built prior to 2005, and stipulate that upper levels of structured parking visible from the street must either be lined with active uses or architecturally screened.

Currently, eligibility for adaptive residential development requires parcels in a non-residential zoning district that permits residential uses with conditions to be located within the Urban Services District and have the majority of their street frontage along a collector or arterial street as determined by the Major & Collector Street Plan, which greatly restricts the eligibility of such parcels for residential uses.

The Planning Commission is scheduled to hear this item at their June 27, 2024, meeting.