



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2022-1473, **Version:** 2

An ordinance to amend Section 17.40.010 of the Metropolitan Code of Laws to require written notice to neighboring property owners of the decision to grant or deny a reasonable accommodation. (Proposal No. 2022Z-016TX-001)

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

Section 1. That Section 17.40.010 by deleting Subsection I.1 and replacing it with the following:

I.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 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, as substituted, amends Subsection 17.40.010.I of the Metro Code to require the Zoning Administrator to provide mailed notice of a decision to grant or deny a reasonable accommodation to all property owners within 1,000 feet of the subject property within five business days of the Zoning Administrator's decision. The notice must include information about the reasonable accommodation and the procedures to file a notice of appeal. Subsection 17.40.010.I establishes a right to request a reasonable

accommodation to the standards set forth in the Code. Persons permitted to seek reasonable accommodation are those who have a disability recognized by federal law, who provide housing for a person with a disability recognized by federal law, or whose religious exercise is burdened by a provision of Title 17. "Person" can be an individual, group, or institution. Subsection 17.40.010.I regulates where the right to reasonable accommodation is to be displayed, the way the Zoning Administrator must make a determination on a reasonable accommodation, and the process to appeal the Zoning Administrator's decision to the Board of Zoning Appeals. Currently, there is no requirement for notifying surrounding property owners of a reasonable accommodation determination.

This ordinance has been approved, as substituted, by the Planning Commission.