



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2024-184, **Version:** 1

An ordinance to amend Title 17 of the Metropolitan Code of Laws to amend the definitions of multi-family and residence for handicapped, more than eight individuals; update references related to accessory building, detached, detached accessory dwelling, and detached accessory dwelling unit for consistency; add bar/night club as a permitted use in certain industrial districts; add daycare as a permitted with conditions use in certain districts, and to add a definition for half story related to contextual overlays (Proposal No. 2024Z-005TX-001).

WHEREAS, the Metropolitan Code of Laws (the "Code") has numerous instances of outdated, confusing, duplicative, and conflicting provisions; and

WHEREAS, the outdated, confusing, duplicative, and conflicting provisions provide no benefit to the public, and

WHEREAS, the outdated, confusing, duplicative, and conflicting provisions include offensive language; and

WHEREAS, the outdated, confusing, duplicative, and conflicting provisions create an undue burden on the administration of the zoning code leading to increased time to process new housing permits; and

WHEREAS, the outdated, confusing, duplicative, and conflicting provisions create unnecessary barriers to public benefits such as housing and childcare; and

WHEREAS, correcting these outdated, confusing, duplicative, and conflicting provisions will be to the benefit of the residents of Nashville and Davidson County.

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

Section 1. That Section 17.04.060 of the Metropolitan Code of Laws is amended by deleting the existing definitions for "accessory building, detached", "multi-family", "residence for handicapped, more than eight individuals", and adding the following new definitions in alphabetical order:

"Detached accessory dwelling unit" means a detached dwelling unit separate from the principal single-family structure on a lot located within a historic overlay district, within any urban design overlay with development standards for detached accessory dwellings, on any lot with an improved alley abutting the rear or side property line or on any lot over fifteen thousand square feet. The dwelling shall be clearly subordinate in size, height, and purpose to the principal structure, it shall be located on the same lot as the principal structure, but may be served by separate utility meter(s) and is detached from the principal structure. A detached accessory dwelling unit can be an independent structure or it can be a dwelling unit above a garage, or it can be attached to a workshop or other accessory structure on the same lot as the principal structure.

"Multi-family" means three or more dwelling units on a single lot or parcel of land.

"Residence for persons with disabilities, more than eight individuals" means a group of more than eight unrelated persons with disabilities, including two additional persons acting as support staff or guardians, living together as a single housekeeping unit. For purposes of this subsection, "persons with disabilities" includes persons with a physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment, or being regarded as having such an

impairment; provided, however, such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)). For the purposes of this subsection, "physical or mental impairment" includes drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism pursuant to 24 C.F.R. § 100.201. For the purposes of this subsection, "persons with disabilities" does not include persons who pose a substantial likelihood of serious harm as defined in Tennessee Code Annotated § 33-6-501, or who have been convicted of serious criminal conduct related to such disability.

Section 2. That the zoning district land use table in Section 17.08.030 of the Metropolitan Code is amended by replacing "accessory building, detached" with "detached accessory dwelling unit" and replacing "Residence for handicapped, more than eight individuals" with "Residence for persons with disabilities, more than eight individuals".

Section 3. That Section 17.08.030 of the Metropolitan Code is further amended by adding "Bar or nightclub" as a permitted use, P, in IWD, IR, and IG zoning districts and updating the Land Use table as shown in Exhibit A.

Section 4. That Section 17.08.030 of the Metropolitan Code is further amended by updating the Land Use table as shown in Exhibit A and adding "Day care center (Over 75)" as a permitted with conditions use, MUN, MUN-NS, MUN-A, and MUN-A-NS zoning district; ON zoning district; and CN, CN-NS, CN-A, and CN-A-NS zoning district.

Section 5. That Section 17.16.030 of the Metropolitan Code of Laws, Subsection G, is amended as follows:

- A. by replacing the reference to "Accessory Dwelling, Detached" with "Detached Accessory Dwelling Unit"; and
- B. by replacing the reference to "Detached Accessory Dwelling" with "Detached Accessory Dwelling Unit".
- C. by replacing the reference to "Detached Accessory Dwelling" with "Detached Accessory Dwelling Unit".

Section 6. That Section 17.36.470 is amended by adding the following as a new subsection B.4:

4. For the purposes of this section, "one-half story" means a partial story under a gable, hip, or gambrel roof, the wall plates of which, on at least two exterior walls, are not more than four feet above the floor of such story. A dormer shall not occupy more than 50% of the roof area. The floor area of said half story shall not exceed three quarters of the floor area of the floor immediately below it. A half story containing an independent dwelling unit or accessory apartment shall be deemed a full story.

Section 7. That Section 17.36.710 of the Metropolitan Code of Laws is amended by replacing all references to "Accessory Dwelling, Detached" with "Detached Accessory Dwelling Unit".

Section 8. 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 9. 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 various sections of Title 17 of the Metropolitan Code to change the name of the "accessory dwelling, detached" use to "detached accessory dwelling", change the name of the "residence for

handicapped, more than eight individuals” use to “Residence for persons with disabilities, more than eight individuals” and update the definition, amend the definition for the “multi-family” use, make the “bar or night club” use permitted by right in the IWD, IR, and IG zoning districts, make the “daycare center (over 75)” use permitted with conditions in ON, MUN, and CN zoning districts and their variants, and add a definition for “one-half story” to the Contextual Overlay.

The ordinance amends Section 17.04.060 of the Metropolitan Code to change the name of the “accessory dwelling, detached” use to “detached accessory dwelling” and updates all mentions and references throughout Title 17. Currently, both names are used within Title 17 in different areas of the code to refer to the use. No changes to entitlements are a part of this name change.

The ordinance amends Sections 17.04.060 and 17.08.030 of the Metropolitan Code to change the name of the “residence for handicapped, more than eight individuals” use to “residence for persons with disabilities, more than eight individuals” and to update the definition to be consistent with current language used elsewhere in the Metropolitan Code and in federal and state law. No changes to entitlements are a part of this name change and definition update.

The ordinance amends Section 17.04.060 of the Metropolitan Code to amend the definition of “multi-family” to mean three or more dwelling units on the same lot or parcel. Currently, the definition for multi-family is “three or more dwelling units within a single structure.” This existing definition does not account for detached multi-family developments, where there are multiple detached dwelling units on the same parcel. The Codes Department and Planning Department have been treating such developments as a multi-family use despite the existing definition.

The ordinance amends Section 17.08.030 of the Metropolitan Code to add the “bar or nightclub” use as a use permitted by right in the IWD, IR, and IG industrial zoning districts. Currently, this use is not permitted in these zoning districts. However, a similar use, “after hours establishment”, is permitted with conditions in the IR and IG districts.

The ordinance amends Section 17.08.030 of the Metropolitan Code to add the “daycare center (over 75)” use as a use permitted with conditions in the ON, MUN, and CN zoning districts, as well as their A and NS variants. The required conditions match the existing conditions for the use in all other mixed-use, office, and commercial zoning districts. Currently, the “daycare center (over 75)” use is not permitted within the ON, MUN, or CN zoning districts; however, the “daycare center (up to 75)” use is permitted with conditions in those three zoning districts.

Finally, the ordinance amends Section 17.36.470 of the Metropolitan Code to add a definition for “one-half story” to the contextual overlay. Currently, “one-half story” is undefined in the code, but the Zoning Administrator has crafted an opinion that has been used for guidance in enforcing contextual overlay height regulations. The definition being added to the code matches the Zoning Administrator’s interpretation.