



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2024-335, **Version:** 1

An ordinance amending Sections 17.40.740 and 17.40.770 of the Metropolitan Code, Zoning Regulations to reorganize and amend the requirements for a waiver of the fees associated with an application to the Board of Zoning Appeals made by a member or members of the Metropolitan Council (Proposal No. 2024Z-010TX-001).

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

Section 1. That Section 17.40.740 of the Metropolitan Code is hereby amended by adding a new subsection D as follows:

- D. Up to two applications per fiscal year submitted to the board of zoning appeals by a member or members of council that have an identified community benefit and meet at least one of the following requirements:
 - 1. The application is not for the benefit of an individual property owner or development.
 - 2. The property owner demonstrates an inability to pay the required fee for the application.

Section 2. That Section 17.40.770 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it as follows:

17.40.770 - Fees established by the board of zoning appeals.

The board of zoning appeals may develop for metropolitan council consideration fee schedules appropriate to partially or totally defray costs associated with the processing and review of the following types of applications:

- A. A variance to a provision of this title;
- B. A special exception use;
- C. A change to a nonconforming use or structure;
- D. Any other application in which the board is required or requested to act.

Section 3. 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 4. 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 Sections 17.40.740 and 17.40.770 of the Metropolitan Code to clarify when a council member may use a fee waiver for an item heard by the Board of Zoning Appeals and to relocate the allowance for fee waivers from Section 17.40.770 to Section 17.40.740. As proposed, the ordinance would allow a council member to waive the required fees for up to two applications to the Board of Zoning Appeals per fiscal year provided that each application has an identified community benefit and either the application is not for the benefit of an individual property owner/developer or the property owner affected by the application demonstrates an inability to pay the required fee. The ordinance also relocates this allowance from Section

17.40.770 to 17.40.740, where waivers for other fees established in the Zoning Code are contained.

Currently, council members are allowed two fee waivers per calendar year provided that the applications receiving a waiver do not benefit an individual property owner or developer.

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