ORDINANCE NO. BL2015-1153

An ordinance to amend various sections of Title 17 of the Metropolitan Zoning Code to add alternative zoning districts and modify alternative zoning district standards. (Proposal No. 2015Z-012TX-001).

WHEREAS, there is a need to create non-site plan based zoning districts to implement the bulk standards necessary to create the walkable communities envisioned by the citizens of Davidson County through the general plan;

WHEREAS, encouraging and fostering development and reinvestment that promotes alternative modes of transportation such as walking, bicycling and transit are important to enhancing the quality of the life of the citizens of Metropolitan Nashville and Davidson County;

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

Section 1. That Section 17.08.010.F (Commercial Districts:) of the Metropolitan Code is hereby amended by deleting items 1-3, inserting the following districts as items 1-6 and renumbering the remaining items accordingly:

1. CN Commercial Neighborhood.
2. CN-A Commercial Neighborhood Alternative.
3. CL Commercial Limited.
4. CL-A Commercial Limited Alternative.
5. CS Commercial Service.
6. CS-A Commercial Service Alternative.

Section 2. That Section 17.08.020.F (Zoning Districts Described: Commercial Districts) of the Metropolitan Code is hereby amended by retaining the introductory paragraph, deleting Sections 17.08.020.F.1, 17.08.020.F.2, 17.08.020.F.3 and inserting in their place the following descriptions:

1. CN, Commercial Neighborhood District and CN-A, Commercial Neighborhood District Alternative. The CN and CN-A districts will implement the local convenience and neighborhood retail policies of the general plan. These districts are designed to provide for the recurring shopping and personal service needs of nearby residential areas. The range of permitted uses is limited to those which are generally patronized on a frequent basis by neighborhood residents. The bulk and buffering standards are intended to insure good compatibility between the commercial uses and adjacent residential properties.

2. CL, Commercial Limited District and CL-A, Commercial Limited District Alternative. The CL and CL-A districts are designed to provide for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices. The uses in this district serve a moderately wide market area, and therefore ease of automobile access is requisite.

3. CS, Commercial Service District and CS-A, Commercial Service District Alternative. The CS and CS-A districts are intended to provide opportunities for a diverse range of commercial uses that include retail trade and consumer services, automobile sales and repair, small scale custom assembly, restaurants, entertainment and amusement establishments, financial, consulting and administrative services.

Business establishments in the CS and CS-A districts often serve a wide market area, and ease of automobile access is requisite. However, it is not intended that this district permit uses which generate truck traffic other than the stocking of products. Because of the diverse nature of uses found in these districts, bulk and buffering standards are designed to protect neighboring areas.

Section 3. That Section 17.080.030 (Zoning District Land Use Table) of the Metropolitan Code is hereby amended by modifying the land use table to incorporate the alternative zoning districts as follows:

Under the “Commercial” sub-heading, delete “CN” and replace with “CN and CN-A”, and delete “CL” and replace with “CL and CL-A”, delete “CS” and replace with “CS and CS-A.”

Section 4. That Section 17.12.020 (District Bulk Tables) of the Metropolitan Code is hereby amended by deleting subsection “D” and Table 17.12.020.D with its corresponding notes and replacing with the following:

D. District bulk Table 17.12.020.D establishes the bulk requirements for all structures in the alternative zoning districts for multi-family, mixed-use, office and commercial.

Table 17.12.020D

MULTI-FAMILY, MIXED USE AND NONRESIDENTIAL ALTERNATIVE ZONING DISTRICTS

Zoning District	Min. Lot Area	Max. Density	Max. FAR (see Note 1)	Max. ISR (see Note 2)	Min. Rear Setback (in ft)	Min. Side Setback (in ft)	Max. Height in Build-to Zone	Min. Step-back	Max. Height	Build-to Zone (in ft) (See note 3)
MUN-A	None	Doesn't apply	0.60	0.80	20	None req.	3 stories in 45 feet	15 feet	4 stories in 60 feet	0 – 15, 0-80 outside of the UZO
MUL-A	None	Doesn't apply	1.00	0.90	20	None req.	3 stories in 45 feet	15 feet	4 stories in 60 feet	0 – 15, 0-80 outside of the UZO
MUG-A	None	Doesn't apply	3.00	0.90	20	None req.	5 stories in 75 feet	15 feet	7 stories in 105 feet	0- 15
MUI-A	None	Doesn't apply	5.00	1.00	None req.	None req.	7 stories in 105 feet	15 feet	15 stories in 150 feet	0- 15
RM9-A	15,000	15	0.60 See Note 8	0.70	20	10 See Note 3	20 feet	15 feet	35 feet	0 – 15, 0-80 outside of the UZO
RM15-A	10,000	9	0.75 See Note 8	0.70	20	10 See Note 3	20 feet	15 feet	35 feet	0 – 15, 0-80 outside of the UZO
RM20-A, OR20-A	7,500	20	0.80 (see Note 2	0.70	20	5 See Note 3	30 feet	15 feet	45 feet	0 – 15, 0-80 outside of the UZO
RM40-A, OR40- A	6,000	40	1.00 See Note 1	0.75	20	5 See Note 3	45 feet	15 feet	60 feet	0- 15
RM60-A	6,000	60	None	0.80	20	5 See Note 3	65 feet	15 feet	90 feet	0- 15
RM80-A	6,000	80	None	0.90	20	5	65 feet	15 feet	90 feet	0- 15
RM100-A	6,000	100	None	0.90	20	5	65 feet	15 feet	90 feet	0- 15
ORI-A	None	Doesn't apply	3.00	0.90	20	None req.	65 feet	15 feet	105	0- 15
CN-A	None	Doesn't apply	0.25	0.80	20	None req.	2 stories in 30 feet	Doesn't apply	2 stories in 30 feet	0 – 15 in the UZO, 0-80 outside of the UZO
CL-A	None	Doesn't apply	0.60	0.90	20	None req.	3 stories in 45 feet	15 feet	4 stories in 60 feet	0 – 15 in the UZO, 0-80 outside of the UZO
CS-A	None	Doesn't apply	0.60	0.90	20	None req.	3 stories in 45 feet	15 feet	4 stories in 60 feet	0 – 15 in the UZO, 0-80 outside of the UZO

Note 1: The area of any parcel dedicated as right-of-way as part of a related development process may be used to calculate FAR or density for the applicable property. No maximum FAR applies to multi-family developments in the RM9-A thru RM40-A and OR20-A OR40-A, and ORI-A districts.

Note 2: Within the urban zoning overlay district, any attached townhomes or rowhouses with alley access to required off-street parking, may have a zero-foot side setback (1) on internal lot lines between units, or (2) where the side of a unit is adjacent to an area having a minimum width of 10 feet that is shown on the final site plan as an open space area or a required landscape buffer yard, provided that each unit has a private yard and no more than eight units are contained in any single-structure.

Note 3: Alternative zoning districts shall have the following standards apply to the location of a building and its associated parking:

a. Sidewalks shall be constructed to the standard of the Major and Collector Street Plan or, if on a local street, to local street standards. The build-to zone for alternative zoning districts shall be measured shall be measured from the Standard right-of-way line as established by the table entitled "Standard Street Right-of-Way Widths" in the Major and Collector Street Plan. Streets included in the Major and Collector Street Plan are not eligible for the in-lieu fee in Section 17.20.120.D.

b. A parcel located at the intersection of two public streets shall have a building occupy the corner of the parcel that is bounded by the two intersecting public streets subject to the "Notes" of this table, which apply to both frontages.

c. A primary entrance to the building shall be located along the building façade within the build-to zone.

d. Street Level Parking Decks. Parking decks located at street level shall have no less than seventy-five percent of the lineal street frontage devoted to office or nonparking commercial uses, or in districts that only permit residential uses, residential uses at a minimum depth of twenty feet. A minimum of fifty percent of that wall area shall be glazed. That floor area shall be excluded from the calculation of floor area ratio.

e. The zoning administrator may allow necessary adjustments to the build-to zone when existing utilities or utility easements are within the build-to zone and unusual circumstances require that the utilities cannot be relocated or easements reduced. Upon allowing an adjustment to the build-to zone, the zoning administrator may also allow adjustments to the rear setback and landscape buffer yard as authorized by Table 17.24.230, to provide for a necessary building area. The zoning administrator may allow necessary adjustments to the build-to zone, rear setback and landscape buffer yard based on the nature of the existing and future land uses and site conditions in the general vicinity after receiving a written recommendation from the planning department and any relevant department or agency.

f. For first floor residential uses, a minimum raised foundation of 18-36" is required.

g. Glazing on the first floor of any public street frontage shall be a minimum of 40% for nonresidential uses and a minimum of 25% for residential uses. Glazing on the upper floors of any public street frontage shall be a minimum of 25%.

h. In the UZO:

   i. Any unimproved alley abutting the property that would provide direct access to an improved alley or street shall be constructed as the primary vehicular access.

   ii. A parcel that is sixty feet wide or greater shall have the front facade of the building extend across at least sixty percent of the parcel's frontage.

   iii. A parcel less than sixty feet wide shall have the building's front facade extend across the full width of the parcel in mixed-use, office and commercial districts.

   iv. If an improved alley is not present or required, an opening of up to twenty-six feet wide shall be permitted, regardless of the requirements of subsections ii and iii above.

   v. Parking shall be permitted only at the sides and rears of buildings

i. Outside of the UZO:

   i. The front facade of the building shall extend across at least forty-five percent of the parcel's frontage or the building front façade shall be at least twenty-five feet in width, whichever is greater.

   ii. A maximum of one module of parking (two rows and a drive aisle) shall be permitted between the building and the street.

Section 5. That Section 17.12.070 (Special floor area ratio (FAR) provisions) of the Metropolitan Code is hereby amended by deleting subsection E. and and replacing with the following subsection E.:

Street Level Parking Decks in the MUG, ORI and MUI Districts. Regardless of whether other special floor area ratio (FAR) provisions in this section are utilized, parking decks located at street level shall have no less than seventy-five percent of the lineal street frontage devoted to office or nonparking commercial uses at a minimum depth of twenty feet. A minimum of fifty percent of that wall area shall be glazed. That floor area shall be excluded from the calculation of floor area ratio.

Section 6. That Section 17.08.010.B.1 (Single-Family Districts:) of the Metropolitan Code is hereby amended by deleting items h. and i. and replacing with the following items:

h. RS7.5-A (7,500 square foot lot).
i. RS5 (5,000 square foot lot).
j. RS5-A (5,000 square foot lot).
k. RS3.75 (3,750 square foot lot).
l. RS3.75-A (3,750 square foot lot).

Section 7. That Section 17.08.010.B.2 (One and Two-Family Districts:) of the Metropolitan Code is hereby amended by deleting item h and replacing with the following items:

h. R8-A (8,000 square foot lot).
i. R6 (6,000 square foot lot).
j. R6-A (6,000 square foot lot).

Section 8. That Section 17.08.020.B.1. (Single-Family (RS) Districts) of the Metropolitan Code is hereby amended by deleting subsection c. and inserting the following subsection c.:

c. RS7.5, RS7.5-A, RS5, RS5-A, RS3.75 and RS3.75-A Districts. Designed for higher intensity single-family development, these districts are appropriate for implementing the residential medium density policies of the general plan. As a general rule, these districts should have good access to either arterial or collector streets with the RS3.75 and RS3.75-A districts located in proximity to mass transit service.

Section 9. That Section 17.08.020.B.2. (One and Two-Family (R) Districts) of the Metropolitan Code is hereby amended by deleting subsection c. and inserting the following subsection c.:

c. R15, R10, R8 and R8-A Districts. Intended for medium intensity one-family and two-family development, these districts are appropriate for implementing the residential medium density policies of the general plan. The R8 and R8-A districts also may be applied to areas policed for medium-high density residential development. Generally, these districts should have good access to either arterial or collector streets.

Section 10. That Section 17.08.020.B.2. (One and Two-Family (R) Districts) of the Metropolitan Code is hereby amended by deleting subsection d. and inserting the following subsection d.:

d. R6 and R6-A Districts. Intended to provide for higher intensity one-family and two-family development, this district is appropriate for implementing the residential medium or medium-high density policies of the general plan. This district should have good access to arterial streets with preference given to locations with mass transit service.

Section 11. That Section 17.080.030 (Zoning District Land Use Table) of the Metropolitan Code is hereby amended by modifying the land use table to incorporate the alternative zoning districts as follows:

Under the "Residential" sub-heading, delete "RS80 through RS3.75" and replace with "RS80 through RS3.75-A", and delete "R80 through R6" and replace with "R80 through R6-A."

Section 12. That Section 17.12.020 (District Bulk Tables) of the Metropolitan Code is hereby amended by adding note 5 under Table 17.12.020.A:

Note 5: In RS3.75-A, RS5-A, RS7.5-A, R6-A and R8-A districts, the following standards shall apply:

a. Access and Driveways.
    1. Where existing, access shall be from an improved alley only. Where no improved alley exists, one driveway within the street setback may be permitted.
    2. For a corner lot, the driveway shall be located within 30 feet of the rear property line.
    3. Parking, driveways and all other impervious surfaces in the required street setback shall not exceed twelve feet in width.
b. Garages.
    1. Detached. The front of any detached garage shall be located behind the rear of the primary structure. The garage door of a detached garage may face the street.
    2. Attached. The garage door shall face the side or rear property line.
c. A minimum raised foundation of 18-36" is required.

Section 13. That Section 17.12.020 (District Bulk Tables) of the Metropolitan Code is hereby amended by adding note 8 under Table 17.12.020.B:

Note 5: In RS3.75-A, RS5-A, RS7.5-A, R6-A and R8A districts, the following standards shall apply:

a. Access and Driveways.
    1. Where existing, access shall be from an improved alley only. Where no improved alley exists, one driveway within the street setback may be permitted.
    2. For a corner lot, the driveway shall be located within 30 feet of the rear property line.
    3. Parking, driveways and all other impervious surfaces in the required street setback shall not exceed twelve feet in width.
b. Garages.
    1. Detached. The front of any detached garage shall be located behind the rear of the primary structure. The garage door of a detached garage may face the street.
    2. Attached. The garage door shall face the side or rear property line.
c. A minimum raised foundation of 18-36" is required.

Section 14. That Section 17.32.110 (On-premises signs—I, MUN, MUN-A, MUL, MUL-A, ON, OL, OG, OR20, OR20-A, OR40, OR40-A, CN and SCN districts) of the Metropolitan Code is hereby amended by deleting the heading and replacing with the following:

On-premises signs—MUN, MUN-A, MUL, MUL-A, ON, OL, OG, OR20, OR20-A, OR40, OR40-A, CN, CN-A, CL-A, CS-A and SCN districts.

Section 15. That all other sections of Title 17 of the Metropolitan Code not previously referenced in this ordinance are hereby amended by inserting "and CN-A" after "CN", "and CL-A" after "CL", "and CS-A" after

"CS", "and RS3.75-A" after "RS3.75", "and RS5-A" after "RS5", "and RS7.5-A" after "RS7.5", "and R6-A" after "R6", "and R8-A" after "R8", wherever they appear.

Section 16. That all other sections of Title 17 of the Metropolitan Code not previously referenced in this ordinance are hereby amended by replacing the phrase "R and RS" with "R/R-A and RS/RS-A", wherever it appears and inserting "and RS-A" after "RS", "and R-A" after "R", for any remaining references that do not include a numeral specifying the lot size.

Section 17. This Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Introduced by:

Walter Hunt

ALL REQUIRED FEES HAVE BEEN PAID

Electronic Signature Page

(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

Anthony Davis

Councilman, District 7