

ORDINANCE NO. BL2011-898

An ordinance to amend various sections of Title 17 of the Metropolitan Zoning Code to add the following alternative zoning districts, MUN-A, MUL-A, MUG-A, MUI-A, RM9-A, RM15-A, RM20-A, OR20-A, RM40-A, OR40-A, RM60-A, RM80-A, RM100-A and ORI-A to create walkable neighborhoods through the use of appropriate building placement and bulk standards as an alternative to a zoning district that requires a site plan. (Proposal No. 2011Z-007TX-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 17.04.060 (Definitions of General Terms) of the Metropolitan Code is hereby amended by inserting in alphabetical order a definition for "Step-back":

"Step-back" means a change in the vertical plane of multi-story buildings that preserves the pedestrian experience at sidewalk-level by setting the upper story building facade away from the street beyond the maximum building height allowed at the build-to-zone.

Section 2. That Section 17.08.010 (Zoning Districts Established) of the Metropolitan Code is hereby amended by inserting the new zoning districts known as "alternative zoning districts" after Sections 17.08.010.B.3.d, 17.08.010.D.1, 17.08.010.E.1, and renumbering the remaining items accordingly within each sub-section as follows:

3. Multi-Family Districts.

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| e. | RM9-A | (9 units an acre). |
| f. | RM15 | (15 units an acre). |
| g. | RM15-A | (15 units an acre). |
| h. | RM20 | (20 units an acre). |
| i. | RM20-A | (20 units an acre). |
| j. | RM40 | (40 units an acre). |
| k. | RM40-A | (40 units an acre). |
| l. | RM60 | (60 units an acre). |
| m. | RM60-A | (60 units an acre). |
| n. | RM80-A | (80 units an acre). |
| o. | RM100-A | (100 units an acre). |

D. Mixed-Use Districts.

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| 2. | MUN-A | Mixed-Use Neighborhood Alternative. |
| 3. | MUL | Mixed-Use Limited. |
| 4. | MUL-A | Mixed-Use Limited Alternative. |
| 5. | MUG | Mixed-Use General. |
| 6. | MUG-A | Mixed-Use General Alternative |
| 7. | MUI | Mixed-Use Intensive |
| 8. | MUI-A | Mixed-Use Intensive Alternative |

E. Office Districts.

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| 2. | OR20-A | Office/Residential Alternative (20 units an acre). |
| 3. | OR40 | Office/Residential (40 units an acre). |
| 4. | OR40-A | Office-Residential Alternative (40 units an acre). |
| 5. | ON | Office Neighborhood. |
| 6. | OL | Office Limited. |
| 7. | OG | Office General. |
| 8. | ORI | Office/Residential Intensive. |
| 9. | ORI-A | Office/Residential Intensive Alternative. |

Section 3. That Section 17.08.020.B.3 (Zoning Districts Described: Multi-Family Districts) of the Metropolitan Code is hereby amended by retaining the introductory paragraph, deleting Sections 17.08.020.B.3.b, 17.080.020.B.3.c, 17.080.020.B.3.d and inserting in their place the following descriptions incorporating the alternative zoning districts, and inserting a new sub-section 17.080.020.B.3.e as follows:

- b. RM6, RM9 and RM9-A Districts. Designed primarily for low to medium intensity multifamily development of two-story or three-story structures, these districts are appropriate for areas designated in the general plan to have low to moderate intensity residential development to meet the goals of preservation of open space or environmental features while creating opportunities walkable communities with housing choice and the ability to support transit. The RM9 or RM9-A district also may be appropriate for areas policed for lower intensity office and mixed-use development, or along mixed-use corridors. Generally, these districts should have good access to either arterial or collector streets. RM9-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan
- c. RM15, RM15-A, RM20 and RM20-A Districts. Designed for moderately high intensity multifamily structures, these districts are appropriate for areas designated in the general plan to have more intense residential development to meet the policy goals of encouraging transit and walkable communities, preserving open space and environmental features and providing a mix of housing types. These districts may also be used in areas envisioned to evolve from solely commercial to more mixed-use development along primary corridors and in mixed-use centers. These districts should have good access to arterial streets and public transportation service. RM15-A and RM20-A are

designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and as an alternative to a zoning district that requires a site plan.

- d. RM40, RM40-A, RM60 and RM60-A Districts. These districts are designed for high intensity multifamily development, typically characterized by mid- and high-rise structures and structured parking. These districts are appropriate for areas designated in the general plan to have residential development at moderate to high intensities, and along to primary corridors to meet the policy goals of creating transit-oriented communities and diversity of housing choice. These districts may also be appropriate as a transition between more intense mixed-use centers and surrounding neighborhoods. These districts should have good access to arterial streets and public transportation service. RM40-A and RM60-A are designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and as an alternative to a zoning district that requires a site plan.
- e. RM80-A and RM100-A Districts. These districts are designed for high intensity residential structures, typically characterized by mid- and high-rise structures and structured parking. These districts are appropriate for implementing strictly residential policies of the general plan in areas characterized by the highest levels of accessibility, mass transit opportunities and essential support services. RM80-A and RM100-A are designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and as an alternative to a zoning district that requires a site plan.

Section 4. That Section 17.080.020.D (Zoning Districts Described: Mixed-Use Districts) of the Metropolitan Code is hereby amended by retaining the introductory paragraphs and deleting 17.08.020.D.1, 17.08.020.D.2, 17.08.020.D.3, and 17.08.020.D.4 and inserting in their place the following descriptions:

1. MUN, Mixed-Use Neighborhood District and MUN-A, Mixed-Use Neighborhood District Alternative. Designed to implement the lower intensity mixed-use policies of the general plan, this district also may be used as an alternative to commercial zoning along prominent streets, or to promote the preservation and adaptive reuse of existing buildings that contribute to the historical or architectural character of an area. Bulk standards are designed to maintain a residential-scale of development. At a minimum, these districts should have good access to collector streets and public transportation service. MUN-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.
2. MUL, Mixed-Use Limited District and MUL-A, Mixed-Use Limited District Alternative. The MUL and MUL-A districts are intended to implement the moderate intensity mixed-use policies of the general plan. These districts also may be used in areas policed for concentrations of mixed commercial uses and for existing areas of commercial arterial

development that are located in the vicinity of major intersections. The bulk standards permitted by this district, along with the range of allowable uses, are designed to promote the preservation and adaptive reuse of larger structures that contribute to the historical or architectural character of an area. These districts should be applied to areas that have good access to collector or arterial streets and public transportation service. MUL-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.

3. MUG, Mixed-Use General District and MUG-A, Mixed-Use General District Alternative. The MUG and MUG-A districts are intended to implement the moderately high intensity mixed-use policies of the general plan, being appropriate near major concentrations of employment, commercial or institutional uses. These districts also may be used near the central business district, within regional activity centers, or in areas otherwise policed for concentrations of mixed commercial development with high levels of accessibility, including public transit service. The bulk regulations are designed to encourage consolidation of land and large scale development on or near arterial streets. MUG-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.
4. MUI, Mixed-Use Intensive District and MUI-A, Mixed-use Intensive District Alternative. The MUI and MUI-A districts permit a mixture of high intensity residential, office and compatible commercial uses in areas characterized by the highest levels of accessibility, mass transit opportunities and essential support services. The bulk standards for this district permit large scale buildings, and include incentives to locate off-street parking within structures. It is intended that this district be applied to areas near downtown in a manner consistent with the general plan and other adopted redevelopment plans, to selected segments of major traffic arteries extending from the downtown core area, or for selected portions of activity centers designated by the general plan. MUI-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.

Section 5. That Section 17.080.020.E (Zoning Districts Described: Office Districts) of the Metropolitan Code is hereby amended by retaining the introductory paragraph and deleting specifically Sections 17.08.020.E.1, 17.08.020.E.2, and 17.08.020.E.6 and inserting in their place the following descriptions:

1. OR20, Office/Residential District and OR20-A, Office/Residential District Alternative. The OR20 and OR20-A districts are designed for a mixture of compatible office and multifamily residential use at medium-high density levels of intensity. These districts are encouraged to locate in areas with good vehicular accessibility, preferably along collector or arterial streets, with access to public transportation services. OR20-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.

2. OR40, Office/Residential District and OR40-A, Office/Residential District Alternative. The OR40 and OR40-A districts are designed for a mixture of office and multi-family uses at high density levels of intensity. These districts are encouraged to locate in areas characterized by high levels of accessibility, preferably along arterial streets, with access to public transportation services. OR40-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.

6. ORI, Office/Residential Intensive District and ORI-A, Office Residential Intensive District. The ORI district is designed to provide adequate and suitable space in appropriate locations for high intensity office uses mutually compatible with high-density residential uses. A selective list of retail trade, business service and personal care service uses are permitted if the principal purpose is to serve the recurring needs of the occupants or employees of other permitted uses in these districts. These districts are appropriately located between districts characterized by less intense residential and office development and areas of more intensive commercial uses, or they are extensions along major traffic arteries from areas used for more intensive commercial purposes. ORI-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.

Section 6. 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:

1. Under the "Residential" sub-heading, delete "RM2 through RM20" and replace with "RM2 through RM20-A" and delete "RM40 through RM60" and replace with "RM40 through RM100-A."
2. Under the "Mixed-Use" sub-heading, delete "MUN" and replace with "MUN and MUN-A", and delete "MUL" and replace with "MUL and MUL-A", delete "MUG" and replace with "MUG and MUG-A", and delete "MUI" and replace with "MUI and MUI-A."
3. Under the "Office" sub-heading, delete "OR20 through OR40" and replace with "OR20 through OR40-A" and delete "ORI" and replace with "ORI and ORI-A".

Section 7. That Section 17.12.020 (District Bulk Tables) of the Metropolitan Code is hereby amended by inserting as a new sub-section "D". and Table 17.12.020.D with its corresponding notes after Table 17.12.020.C:

- 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, and office.

Table 17.12.020D

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 4)
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	5 - 15
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	5 - 15
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	5 - 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	5 - 15
RM9-A	15,000	15	0.60 See Note 8	0.70	20	10 See Note 3	20 feet	15 feet	35 feet	5 - 15
RM15-A	10,000	9	0.75 See Note 8	0.70	20	10 See Note 3	20 feet	15 feet	35 feet	5 - 15
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	5 - 15
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	5 - 15
RM60-A	6,000	60	None	0.80	20	5 See Note 3	65 feet	15 feet	90 feet	5 - 15
ORI-A	None	Doesn't apply	3.00	0.90	20	None req.	65 feet	15 feet	105	5-15
RM80-A	6,000	80	None	0.90	20	5	65 feet	15 feet	90 feet	5 - 15
RM100-A	6,000	100	None	0.90	20	5	65 feet	15 feet	90 feet	5 - 15

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: Any development that has an impervious surface ratio less than the maximum permitted by the zoning may increase the base FAR or the base density by the same amount. For example, a 9% decrease in ISR would permit up to a 9% increase in FAR or base density.

Note 3: 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 4: Alternative zoning districts shall have the following standards apply to the location of a building and its associated parking:

- a. 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.
- 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 applicable "Notes" of this table, 17.02.020.D.
- c. A primary entrance to the building shall be located along the building façade within the build-to zone.
- d. A parcel that is sixty feet wide or greater shall have the front facade of the building extend across at least twenty-five percent of the parcel's frontage or the building front façade shall be at least twenty-five feet in width, whichever is greater.
- e. 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 and office districts unless a driveway is required to access required parking.
- f. If a driveway is needed for service to accessory parking, an opening of up to twenty-six feet wide shall be permitted.
- g. Parking shall be permitted only at the sides and rears of buildings.

Section 8. That Table 17.12.030A, Street Setbacks for Single and Two Family Districts of the Metropolitan Code, is hereby amended by inserting a new row to the bottom of the table as follows:

Zoning Districts	Minor-Local and Local Streets	All ⁽²⁾ Other Streets
RM9-A through RM100-A, MUN-A, MUL-A, MUG-A, MUI-A, OR20-A, OR40-A, and ORI-A	5 feet	5 feet

Section 9. That Table 17.12.030.B (Street Setbacks for Multi-Family and Non-Residential Districts; and Non-Residential uses in AG, AR2a, R and RS Districts) of the Metropolitan Code is hereby amended by inserting after Note 3, a new "Note 4" and renumbering the remaining notes accordingly:

"Note 4: The above street setback standards shall not apply within the Alternative Zoning Districts."

Section 10. That Section 17.12.035.A (Street setbacks Within the Urban Zoning Overlay District) of the Metropolitan Code is hereby amended by inserting the following sentence at the end of the introductory paragraph to subsection A, at the end of subsection B, and the end of the introductory paragraph to subsection C:

"The standards of this sub-section shall not apply within the Alternative Zoning Districts."

Section 11. That Sections 17.12.020.B.1 (Table of Minimum Lot Size and Setbacks for Attached Housing), 17.16.080 (Communication Uses), 17.16.190.E.1 (Transportation Special Exceptions), 17.20.040 (Adjustments to Required Parking), 17.20.080 (Off-Site Parking), 17.24.230 (Table of Landscape Buffer Yard Requirements), 17.28.030.B.1 (Hillside Development Standards: Non-Residential Sites), 17.28.040.E (Floodplain/Floodway Development Standards), 17.32.050.H.2 (Prohibited Signs), 17.32.110 (On-premises Signs—I, MUN, MUL, ON, OL, OG, OR20, OR40, CN and SCN Districts), 17.32.120 (On-Premises Signs—ORI, MUG and MUI Districts) of the Metropolitan Code are hereby amended by inserting "RM-A" after "RM", "RM9-A" after "RM9", "RM15-A" after "RM15", "RM20-A" after "RM20", "RM40-A" after "RM40", "RM60-A, RM80-A, RM100-A" after "RM60" "and MUN-A" after "MUN", "MUL-A" after "MUL", "and MUG-A"

after "MUG, "and MUI-A" after "MUI", "OR20-A" after "OR20", and "OR40-A" after "OR40", and "and ORI-A" after "ORI", wherever they appear.

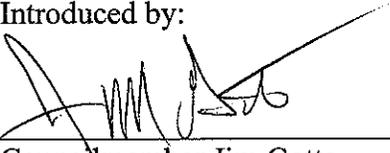
Section 12. That Section 17.16.090.F.5 (Industrial Uses) of the Metropolitan Code is hereby amended by deleting the phrase "MUL, MUG and MUI" and inserting in its place "MUL, MUL-A, MUG, MUG-A, MUI, and MUI-A".

Section 13. That Section 17.28.030.A.3 (Hillside Development Standards) of the Metropolitan Code is hereby amended by deleting "RM40 and RM60" and inserting in its place "RM40, RM40-A, RM60, RM60-A, RM80-A and RM100-A".

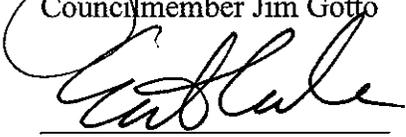
Section 14. That Section 17.40.670 (Nonconforming Lot Area) of the Metropolitan Code is hereby amended by inserting "RM-A" after "RM."

Section 15. 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:



Councilmember Jim Gotto



Councilmember Erik Cole

ALL REQUIRED FEES HAVE BEEN PAID