

**SUBSTITUTE ORDINANCE NO. BL2019-78**

**An Ordinance to amend Section 17.16.070 of the Metropolitan Code to impose a minimum distance requirement for new Short Term Rental Properties – Not Owner-Occupied from churches, schools, daycares, and parks (Proposal No. 2020Z-001TX-001).**

WHEREAS NashvilleNext supports creating and preserving walkable places for Nashville residents, with a special emphasis on making Nashville's neighborhoods safe, accessible, and welcoming for families so that they provide opportunities for play, learning, and social engagement that help children and youth thrive; and

WHEREAS, Section 7.08.090 of the Metropolitan Code prohibits the issuance of a retail beer permit for any establishment located within 100 feet of a church, school, daycare, or park unless the Council approves a waiver from the minimum distance requirements upon the adoption of a resolution with 21 affirmative votes after holding a public hearing; and

WHEREAS, the purpose of the distance requirements in Section 7.08.090 is to address the negative secondary effect associated with the sale and consumption of beer near churches, schools, daycares, and parks; and

WHEREAS, the Metropolitan Council has heard concerns from the public on numerous occasions (See the January 3, 2017 public hearing regarding Ordinance No. BL2016-492, and the May 2, 2017 public hearing regarding Ordinance No. BL2017-608), about the negative secondary effects associated with the operation of non-owner-occupied short term rental properties in Nashville and Davidson County, including public intoxication, lewdness, and excessive noise; and

WHEREAS, it is in the best interest of the residents of Metropolitan Nashville and Davidson County that a minimum distance requirement be imposed for new non-owner-occupied short term rental properties.

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

Section 1. That Section 17.16.070 of the Metropolitan Code, the Zoning Ordinance for the Metropolitan Government of Nashville and Davidson County, is hereby amended by adding the following provisions as subsection U.1.d:

“d. Minimum distance requirements

- i. No new STRP permit shall be issued to an applicant whose location is less than one hundred feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground. Distances shall be measured in a straight line from the closest point of the ~~applicant's dwelling unit~~ parcel line of the property for which a STRP is sought to the closest point of the ~~building of the religious institution; from the closest point of the applicant's unit to the closest boundary of a park; from the closest point of the applicant's unit to the closest point of the building of a school or licensed day care center, or to the closest boundary of the playground of the school or day care center, whichever is closest to the applicant's unit~~ parcel line of the property on which the religious institution, school or its playground, park, or licensed daycare center or its playground is located.
- ii. Notwithstanding subsection U.1.d.i of this section, a STRP permit applicant may be exempt from the minimum distance requirements set forth herein upon the adoption of a resolution, after a public hearing, by the metropolitan council receiving 21 affirmative votes approving the exemption of the STRP unit from said minimum distance requirements. The department of codes administration shall notify the councilmember for the district in which the applicant unit is located

in writing within five business days from the date the application is filed requesting the waiver of distance requirements. The public hearing required by this subsection shall be conducted by the council at a regular meeting of the council. Public notification of the hearing shall be conducted pursuant to the public notification requirements for amendments to the official zoning map in accordance with Article XV of Chapter 17.40 of the metropolitan code, provided that notice by mail shall be sent to all property owners within 600 feet of the unit seeking the exemption from the minimum distance requirements not later than 14 days prior to the scheduled public hearing on the resolution. Further, a public notice sign meeting the general requirements of Section 17.40.730 of the metropolitan code shall be posted on the property of the applicant seeking the exemption from the minimum distance requirements at least 14 days prior to the scheduled public hearing. The costs for the public notification requirements shall be paid by the applicant. The applicant shall coordinate the scheduling of the public hearing with the metropolitan clerk's office prior to the filing of the resolution for purposes of including the date and time of the public hearing in the public notice to be mailed."

Section 2. This Ordinance shall take effect 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:

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Colby Sledge  
Member of Council