

ORDINANCE NO. BL2011-900

An ordinance amending various sections of Title 17 of the Metropolitan Code, Zoning Regulations, to modify Section 17.04.060.B (Definitions of General Terms), by adding definitions for "Accessory Apartment" and "Accessory Dwelling, Detached", modifying Section 17.08.030 (District Land Use Tables - Residential Uses) to add "Accessory Dwelling, Detached" as a use permitted with conditions (PC) within Historic Overlay Districts within the R, RM, OR20, OR40, and ORI zoning districts, and modifying Section 17.16.030.A (Uses Permitted with Conditions: Residential Uses) to add standards for an "Accessory Dwelling, Detached". (Proposal No. 2011Z-005TX-001).

WHEREAS, it is desirable for the Metropolitan Government of Nashville and Davidson County to provide a range of housing opportunities in Historic Overlay Districts that have an established base zoning district allowing for mixed housing types;

WHEREAS, it is reasonable for the Metropolitan Government of Nashville and Davidson County to require specific regulations to ensure that a detached accessory dwelling is subordinate to the principal structure;

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

Section 1. That Section 17.04.060.B (Definitions of General Terms) be amended to add the following definitions for "Accessory Apartment" and "Accessory Dwelling, Detached" in alphabetical order:

"Accessory apartment" means a secondary dwelling unit, attached to a single-family residence, the principal dwelling unit on a lot. The accessory apartment dwelling shall be subordinate in size, height, and purpose to the principal dwelling.

"Accessory dwelling, detached", also referred to as Detached Accessory Dwelling, means a detached dwelling unit separate from the principal structure on a lot located within a Historic Overlay District. 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 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.

Section 2. That Section 17.08.030 (District land use tables – Residential Uses), be amended to add a new entry after “Accessory apartment” as follows:

| Zoning District → | R80 through R6 | RM2 through RM20-A | RM40 through RM100-A | OR20 through OR40-A | ORI and ORI-A |
|------------------------------|----------------------|--------------------------|----------------------------|---------------------------|---------------------|
| Accessory Dwelling, Detached | PC | PC | PC | PC | PC |

Section 3. That Section 17.16.030 (Uses Permitted with Conditions: Residential Uses) be amended by inserting a new Subsection “F”, as follows:

- F. Accessory dwelling, detached.** A detached self-sufficient dwelling unit shall be allowed accessory to a principal structure subject to the following standards:
1. Applicability.
 - a. The lot is within a Historic Overlay district.
 - b. While the following conditions listed below apply to a detached accessory dwelling they do not counter-act or override the applicable life safety standards found in the code editions adopted by the Metropolitan Government of Nashville.
 2. Lot Area. The lot area on which the detached accessory dwelling is to be placed shall comply with Table 17.12.020A.
 3. Density. A detached accessory dwelling is not allowed if the maximum number of dwelling units permitted for the lot has been met.
 4. Ownership.
 - a. No more than one detached accessory dwelling shall be permitted on a single lot in conjunction with the principal structure.
 - b. The detached accessory dwelling cannot be divided from the property ownership of the principal dwelling.
 - c. The detached accessory dwelling shall be owned by the same person as the principal structure and one of the two dwellings shall be owner-occupied.
 5. Setbacks. The setbacks for a detached accessory dwelling shall meet the setbacks found in Section 17.12.040.E. for Accessory buildings.
 6. Site Requirements.
 - a. A detached accessory dwelling may only be located in the established rear yard. The detached accessory dwelling is to be subordinate to the principal structure and therefore shall be placed to the rear of the lot.

- b. There shall be a minimum separation of ten (10) feet between the principal structure and the detached accessory dwelling.

7. Driveway Access.

- a. On lots with no alley access, the lot shall have no more than one curb-cut from a public street for driveway access to the principal structure as well as the detached accessory dwelling.
- b. Parking accessed from a public street shall be limited to one driveway for the lot with a maximum width of 12 feet.
- c. If the detached accessory dwelling is part of a garage and an alley exists to the rear of the lot, the garage shall be alley loaded and no curb-cut provided from the front of the lot.

8. Bulk and Massing.

- a. No accessory structure shall exceed 200 square feet when there is a detached accessory dwelling on the lot.
- b. The living space of a detached accessory dwelling shall not exceed 700 square feet.
- d. The footprint single-story detached accessory dwelling shall not exceed 700 square feet or 50% of the first floor area of the principal structure, whichever is less.
- e. The footprint of a two-story detached accessory dwelling shall not exceed 500 square feet or 40% of the first floor area of the principal structure, whichever is less.
- f. The detached accessory dwelling shall maintain a proportional mass, size, and height to ensure it is not taller than the principal structure on the lot. The detached accessory dwelling height shall not exceed the height of the principal structure as measured to the eave line, with a maximum eave height of 10 feet for single-story and 16 feet for two-story detached accessory dwellings.
- g. The roof ridge line of the detached accessory dwelling must be less than the primary structure and shall not exceed 25 feet in height.

9. Design Standards.

- a. Detached accessory dwellings with a second story dwelling unit shall enclose the stairs interior to the structure and properly fire rated per the applicable life safety standards found in the code editions adopted by the Metropolitan Government of Nashville.
- b. The detached accessory dwelling shall be of similar style, design and material color as used for the principal structure and

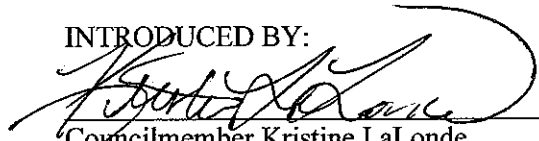
shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.

- c. The detached accessory dwelling may have dormers that relate to the style and proportion of windows on the detached accessory dwelling and shall be subordinate to the roofslope by covering no more than 50% of the roof.
 - d. Detached accessory dwellings may have dormers that are setback a minimum of two feet from the exterior wall.
9. Metro Historic Zoning Commission Action. Any existing or proposed Detached Accessory Dwelling in a historic overlay district shall comply with the adopted regulations and guidelines of the applicable historic overlay.
10. Restrictive Covenant. Prior to the issuance of a permit, an instrument shall be prepared and recorded with the register's office covenanting that the detached accessory dwelling is being established accessory to a principal structure and may only be used under the conditions listed above.

Section 4. 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.

ALL REQUIRED FEES HAVE BEEN PAID

INTRODUCED BY:



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