

ORDINANCE NO. BL2016-134

An ordinance to amend various sections of Title 17 of the Metropolitan Zoning Code to adjust existing bonuses to encourage affordable and workforce housing, diminish the impact of development to neighborhoods and increase opportunities for development in mixed use districts. (Proposal No. 2016Z-001TX-002).

WHEREAS, the Metropolitan Government of Nashville and Davidson County has undertaken a Inclusionary Housing Feasibility and Market Study (the Study); and

WHEREAS, the Study found that there has been cost appreciation and housing turnover in central areas of the city; and

WHEREAS, the Study found that 24% of homeowners in the city are cost-burdened and 46% of renters in the city are cost-burdened; and

WHEREAS, cost appreciation and housing turnover in central areas can lead to the displacement of cost-burdened households and gentrification; and

WHEREAS, 29% of all 2015 home sales in Nashville and Davidson County were affordable to a buyer earning 80% AMI for a 2.5 person household; and

WHEREAS, much of the housing affordable to 80% AMI is outside of the central areas, with poor access to jobs, transit and services; and

WHEREAS, the Zoning Code currently allows bonuses without providing public benefit; and

WHEREAS, some bonuses, such as LEED certification/review and parking garage liner buildings, are now expected by the market or addressed through other means, including pervious surface bonuses covered by Stormwater's LID manual; and

WHEREAS, bonuses need to be adjusted to properly incentivize public benefits with the greatest impact to the citizens of Nashville and Davidson County; and

WHEREAS, affordable and workforce housing is a primary concern of the citizens of Nashville and Davidson County, as it continues to be a major barrier to economic progress for many in Nashville; and

WHEREAS, increasing the supply of affordable and workforce housing supports economic growth and is an important tool in reducing poverty in Davidson County.

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

Section 1. That Section 17.12.060.F (Special Height Regulations for All Uses (Excluding Single-Family and Two-Family Dwellings and property zoned DTC) Within the Urban Zoning Overlay District:) of the Metropolitan Code is hereby amended by deleting subsection 1 and inserting the following subsection 1:

1. In all districts, a principal or accessory structure may exceed the maximum height at the setback line and/or penetrate the height control plane as shown in Tables 17.12.020.B and 17.12.020.C, or the maximum height in the build to zone for 30% of the façade fronting each public street and/or the maximum heights specified in Table 17.12.020.D, if the development complies with Section 17.20.780 (Inclusionary Housing) and based on the review and approval of a Special Exception by the Board of Zoning Appeals.

Section 2. That Section 17.12.070 (Special floor area ratio (FAR) provisions.) of the Metropolitan Code is hereby amended by deleting subsections A, B, C, D, E and F and inserting the following subsections A and B:

- A. Residential Floor Area. For property located within the urban zoning overlay district in any mixed-use, ON, ORI and ORI-A or CF district, no density or floor area ratio applies for residential uses if the development complies with Section 17.20.780 (Inclusionary Housing).
- B. Leadership in Energy and Environmental Design (LEED) certification from the U.S. Green Building Council (USGBC)
 1. Any structure over 100,000 square feet and less than 250,000 square feet is required to submit LEED precertification or initial certification from a different nationally-recognized, third-party system of overseeing green building and/or sustainable development practices with the building permit application.
 2. Any structure 250,000 square feet or more is required to obtain LEED certification or certification from a different nationally-recognized, third-party system of overseeing green building and/or sustainable development practices.

Prior to issuance of a temporary certificate of occupancy for any use of the development, a report shall be provided for the review of the Department of Codes Administration by a LEED accredited professional. The report shall certify that all construction practices and building materials used in the construction are in compliance with the LEED certified plans and shall report on the likelihood of certification. If certification appears likely, temporary certificates of occupancy (as set forth below) may be issued. Monthly reports shall be provided as to the status of certification and the steps being taken to achieve certification. Once certification is achieved, the initial certificate of LEED compliance, as set forth herein, and a final certificate of occupancy (assuming all other applicable conditions are satisfied) shall be issued.

To ensure that LEED certification is attained the Department of Codes Administration is authorized to issue a temporary certificate of occupancy once the building is otherwise

completed for occupancy and prior to attainment of LEED certification. A temporary certificate of occupancy shall be for a period not to exceed three (3) months (with a maximum of two extensions) to allow necessary time to achieve final certification. Fees for the temporary certificate (and a maximum of two extensions) shall be \$100 or as may otherwise be set by the Metro Council. Once two extensions of the temporary certificate of occupancy are granted, any additional extensions shall be granted only in conjunction with a valid certificate of LEED noncompliance as set forth herein.

If the property fails to achieve LEED certification, the Department of Codes Administration is authorized to issue a short-term certificate of LEED noncompliance. This certificate will allow the building to retain its certificate of occupancy pending attainment of LEED certification. A certificate of LEED noncompliance shall be for a period not to exceed three (3) months and may be renewed as necessary to achieve certification. The fee for noncompliance shall be issued every time the certificate is issued for up to ten years.

The fee for a certificate of LEED noncompliance shall be based on the following formula: $F = [(CN-CE)/CN] \times CV \times 0.0075$, where:

- F is the fee;
- CN is the minimum number of credits to earn the level of LEED certification for which the project was precertified;
- CE is the number of credits earned as documented by the report; and
- CV is the Construction Value as set forth on the building permit for the structure.

Section 3. That Table 17.12.020B of the Metropolitan Code is hereby amended by inserting the following note as note 4:

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.

Section 4. That Tables 17.12.020C of the Metropolitan Code is hereby amended by inserting the following note as note 7:

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.

Section 5. That Table 17.12.020D of the Metropolitan Code is hereby amended by deleting subsection D under note 3 and inserting the following subsection 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.

Section 6. That Section 17.12.060.A (Height Controls Established.) of the Metropolitan Code is hereby amended by deleting subsection 3 and inserting the following subsection 3:

3. In nonresidential districts, any zoning district boundary between the nonresidential district and an AG, AR2a, RS, R, RM or MHP district.

Section 7. That Chapter 17.04 of the Metropolitan Code is hereby amended by deleting Diagram 17.04B and inserting the attached Exhibit A as Diagram 17.04B.

Section 8. That Section 17.16.030.E (Adaptive Residential Development.) of the Metropolitan Code is hereby amended by deleting subsection 3 and replacing with the following subsection 3:

3. Residential Floor Area. In all non-residential districts that permit a residential use with conditions, no density or floor area ratio applies to residential uses if the development complies with Section 17.20.780 (Inclusionary Housing).

Section 9. That Section 17.36.090 (Development bonuses.) of the Metropolitan Code is hereby amended by deleting subsection A.

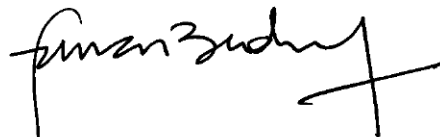
Section 10. That Chapter 17.37 (Downtown Code (DTC)) of the Metropolitan Code is hereby amended by deleting pages 3, 8, 9, 14, 15, 67-69, 81, 93-100 and replacing with pages 3, 8, 9, 14, 15, 67-69, 81, 93-100 in the attached Exhibit B.

Section 11. That any appropriately filed application that complies with all existing filing requirements and that is filed prior to the effective date of this ordinance shall not be subject to the provisions of this ordinance

Section 12. 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.

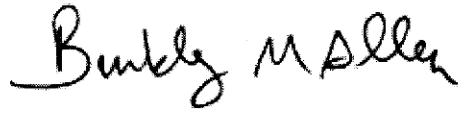
Introduced by:

Member of Council



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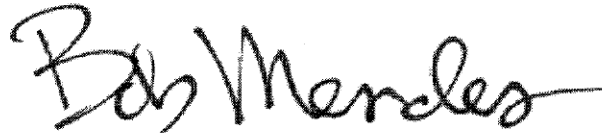
(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

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Burkley Allen
Councilmember, District 18

Electronic Signature Page

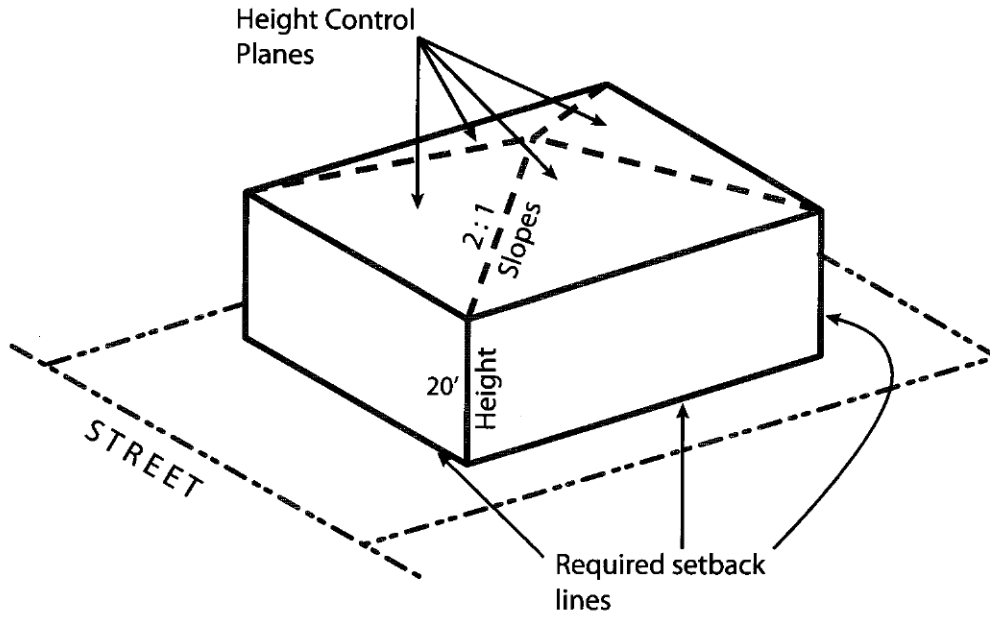
(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

A handwritten signature in black ink that reads "Bob Mendes". The signature is written in a cursive style with a long horizontal stroke at the end.

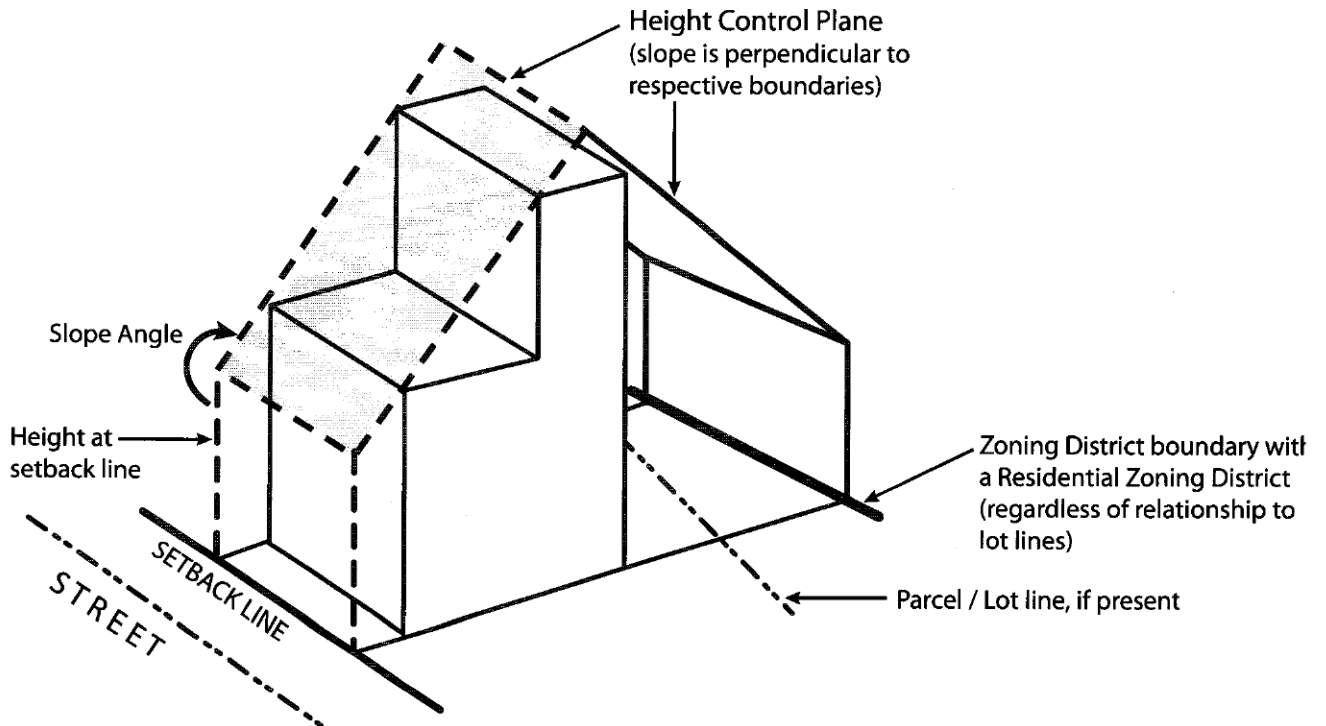
Bob Mendes
Councilmember At-ALarge

Diagram 17.04B

RESIDENTIAL DISTRICTS MULTI-FAMILY AND NON-RESIDENTIAL STRUCTURES



NON-RESIDENTIAL DISTRICTS



Section I: Introduction

Table of Contents

Section I: Introduction	5	Parking and Access	80
The Downtown Code and the Downtown Plan	6	Specific to Structured Parking	81
DTC Regulating Plan	11	Specific to Surface Parking	82
Application of the DTC	12	Mechanical, Service and Loading	83
General Provisions	12	Fences and Walls	84
Applicable Chapters and Sections of the Zoning Code	12	Open Space	85
How to Use this Document	13	Plan	86
Modifications	14	General Standards	87
Design Review Committee	14	Specific to Greens	88
Compliance	15	Specific to Squares	89
		Specific to Plazas	90
		Specific to Courts	91
		Specific to Pocket Parks and Playgrounds	92
Section II: Subdistrict Standards	17	Bonus Height Program	93
James Robertson Subdistrict	18	BHP Chart	99-97
Core Subdistrict	20		
Core Historic Subdistrict	22	Section V: Sign Standards.	101
Upper Broadway Subdistrict	26	Introductory Provisions	103
2nd and Broadway Subdistrict	28	Intent	
River Subdistrict	32	Applicability	
SoBro Subdistrict	34	Sign Permit Applications	
Lafayette Subdistrict	38	Common Sign Plan	
Rutledge Hill Subdistrict	40	Modifications	104
Rolling Mill Hill Subdistrict	42	Right-of-way Encroachments	104
Rutledge River Subdistrict	44	Nonconforming Signs	104
Gulch North Subdistrict	46	Repair and Maintenance	104
Gulch South Subdistrict	48	General Standards	105
Hope Gardens Subdistrict	50	Other Sign Types	105
Sulphur Dell Subdistrict	52	Street Types	106
		Street Types Map	107
		Determining Sign Entitlements	108
		Allocation of Sign Area by Street Types	109-110
Section III: Uses	55	Building Signs	
Use Areas	56	Wall Sign	111
Use Tables	57	Awning Sign	112
		Canopy Sign	113
		Projecting Sign	114
		Shingle Sign	115
		Ground Signs	
		Monument Sign	116
		Skyline Signs	117
		Illumination	118
		Changeable Copy	119
Section IV: General Standards	59		
Calculations	61		
Street Character	62		
Future Streets Plan	66		
Sustainable Building Design	67		
Lots and Frontages	67-68		
Specific to Storefront Frontage	70		
Specific to Stoop Frontage	72		
Specific to Porch Frontage	74		
Specific to Industrial Frontage	76		
Specific to Civic Frontage	78		
Canopies and Awnings	79		

Section I: Introduction

The Downtown Code and the Downtown Plan

environment. “As Downtown becomes home to many of its workers, and mass transit options into Downtown improve, providing welcoming routes for pedestrians will provide benefits in terms of improved mobility and reduced traffic congestion.”

- The DTC references the *Downtown Streetscape Design Guidelines*, and the *Major and Collector Street Plan* created by Metro Public Works and Metro Planning, and requires their use.

Protect and reuse historic structures and districts.

- The DTC has a subdistrict for 2nd Avenue and Lower Broadway that reinforces the historic zoning overlay for these streets. To encourage the adaptive reuse of the historic structures, this subdistrict is eligible for transfer of development rights through the Bonus Height Program.
- The creation of the Core Historic subdistrict encourages the preservation of the existing historic buildings between 3rd and 5th Avenues North, while allowing for appropriately scaled and appropriately detailed infill.
- The creation of the Rutledge Hill subdistrict encourages the preservation of the existing historic buildings in this historic residential area, while allowing for appropriately scaled and appropriately detailed infill.
- During the community planning process, the preservation of views to the Capitol building was identified as important to the development of neighborhoods north of Capitol Hill. The maximum building heights in subdistricts north of Capitol Hill are limited to the elevation of the base of the Capitol building to ensure this that this important civic view is preserved.

Create environmentally sustainable and energy efficient development.

- In order to meet the sustainability goals of the Downtown Plan and to achieve Metro Government’s vision of Nashville as the greenest city in the US, the DTC encourages urban infill and energy efficient development.
- By location alone, urban infill is more energy efficient than green-field development because it utilizes existing streets and infrastructure. By emphasizing mixed-use, walkable neighborhoods within Downtown, the DTC reinforces Metro Government’s commitment to sustainability and responsible use of resources. Part of being sustainable is

using existing under-utilized infrastructure – water lines, sewer lines, electricity, and streets – in lieu of creating new infrastructure and continuing green-field consumption.

- Location, however, does not ensure sustainability. The creation of the DTC emphasizes the need for a denser Downtown to provide citizens with all daily needs within walking distance, the need for buildings that can be adapted for new uses over time, the preservation and adaptive reuse of existing buildings, and the addition of street trees and open spaces.
- In addition to encouraging sustainable urbanity, the DTC encourages requires the measurement of energy efficient development for large buildings through the US Green Building Council’s LEED program (LEED may be substituted for a different nationally-recognized, third-party system of overseeing green building and/or sustainable development practices).
- The Bonus Height Program of the DTC provides height bonuses for new construction that meets the standards of LEED silver, gold or platinum. LEED takes credits a project for its urban environment, but also for the sustainability of the building itself. The public benefit associated with LEED certification is significant. The lighter the building treads on the infrastructure of the city, the lighter the burden on the city to maintain the infrastructure. This helps the city function better as a whole. The bonuses are appropriately scaled for each subdistrict and are offered in exchange for the level of contribution of this important public benefit.

Create “great spaces” throughout Downtown for the enjoyment of citizens and visitors.

- In some areas of Downtown, open space is appropriately scaled and designed for the envisioned intensity of the neighborhood. In most areas, however, open space is dramatically lacking. The DTC identifies ¼ mile radius neighborhoods (about a five minute walk from edge to center) within Downtown to show the open space deficiencies. For every quarter mile neighborhood, there should be at least a quarter acre of well-designed public open space. This open space may be provided by public or private initiatives.
- The Downtown Plan recommended that Downtown have

Section I: Introduction

The Downtown Code and the Downtown Plan

unique types of open space available to meet the needs of citizens. The DTC provides standards for the creation of these open spaces: greens, squares, plazas, courts and pocket parks/playgrounds. The open spaces will serve as important “great spaces” to help create the vital and functioning neighborhoods envisioned by the Downtown Plan.

- The Bonus Height Program of the DTC provides height bonuses for the development of public open spaces. To be eligible for the height bonus, the development must follow the standards for open space design. The bonuses are appropriately scaled for each subdistrict and are offered in exchange for this important public amenity.

Provide for improved mobility in and through Downtown to support other principles for healthy growth in Downtown.

- “The Downtown Plan encourages walking as a primary mode of transportation in Downtown.” The DTC standards focus on the interaction between the building and street – the frontage of the building – to make the pedestrian realm safe, comfortable and interesting. This goal will be reached when public and private entities remain committed to creating a pedestrian-oriented Downtown.
- The Downtown Plan notes that “as Downtown becomes home to many of its workers, and mass transit options into Downtown improve, providing welcoming routes for pedestrians will provide benefits in terms of improved mobility and reduced traffic congestion.” While the DTC sets standards on the development of private property, improved transportation options must be created by a collaborative process between the public and private sectors.

The Downtown Plan sets forth the common vision for the future of Downtown, and acknowledges that “the creation of the Downtown envisioned by the community can only be achieved through cooperative efforts of the public and private sectors and through the informed involvement of residents, businesses and investors in Downtown. Adherence to these guiding principles in the development actions of

both the public and private sector will create the Downtown Nashville that the community has envisioned – an expanding, vibrant Downtown with opportunities for growth and development that embody the urban experience of a great city.” The DTC is one of several tools to strengthen Downtown through public and private investments.

By focusing on the creation of distinctive neighborhoods, pedestrian-oriented development, the DTC reaches toward the goal of an economically healthy, socially vibrant, and sustainable Downtown.

Section I: Introduction

Application of the DTC: Modifications and Design Review

Modifications to the Standards

Based on site-specific issues, an applicant may seek modifications to the standards of this document. Any standard within the DTC may be modified, insofar as the intent of the standard is being met, the modification results in better urban design for the neighborhood as a whole, and the modification does not impede or burden existing or future development of adjacent properties.

The DTC, the Downtown Plan and any other policies and regulations from governing agencies shall be consulted when considering modifications. Any standards that shall not be modified are explicitly noted in this document.

Modifications may be approved by Planning staff, the Downtown Code Design Review Committee (DTC DRC) or the Planning Commission.

- Minor modifications – deviations of 20 percent or less – may be approved by Planning Staff.
- Any determination made by the Planning Staff may be appealed to the DTC DRC.
- Major modifications – deviations of more than 20 percent – and modifications of standards without numbers may be approved by the DTC DRC. Within MDHA redevelopment districts, the MDHA DRC shall act as the DTC DRC.
- Any determination made by the DTC DRC or the MDHA DRC regarding standards of the DTC may be appealed to the Planning Commission by the applicant or the Planning Department.
- ~~For modifications to overall height, the Executive Director of the Planning Department shall determine whether the development has made reasonable efforts to use all appropriate bonuses available in the Bonus Height Program. The Executive Director's decision may be appealed to the DTC DRC/MDHA DRC. If it has been determined that all reasonable efforts have been made to use the Bonus Height Program, the applicant shall hold a community meeting providing notices to property owners within 300 feet, and the Planning Commission shall review the modification request and may grant additional height for exceptional design, including but~~

~~not limited to unique architecture, exceptionally strong streetscape, and improvement of the project's relationship to surrounding properties.~~ Modifications to overall height may be approved by the Planning Commission with a recommendation from the DTC DRC/MDHA DRC, after the Inclusionary Housing bonus height is exhausted. The applicant shall hold a community meeting prior to Planning Commission review, providing notices to property owners within 300 feet. The Planning Commission shall review the modification request and may grant additional height for exceptional design, including but not limited to unique architecture, sustainable design, enhanced public spaces, exceptionally strong streetscape, and improvement of the project's relationship to surrounding properties and open spaces.

Variations and special exceptions

Variations and special exceptions that are not specifically for standards of the DTC zoning district shall follow the procedures of Chapter 17.40, Articles VII and VIII of the zoning code.

Standards specific to the DTC zoning district may be modified based on the modifications section of this document.

Design Review Committee

Applications that meet all applicable standards of the DTC shall be reviewed by staff before building permits are granted. Such "by-right" applications will not be reviewed by the DTC DRC. The DTC DRC will review applications seeking modifications.

The DTC DRC is subject to the rules and procedures adopted by the Planning Commission. The DTC DRC will consist of eight (8) voting members.

One member shall be nominated by each of the following with confirmation by the Planning Commission:

- Chamber of Commerce
- Civic Design Center
- Downtown Partnership
- Urban Residents Association

One member shall be appointed by the following:

- Mayor

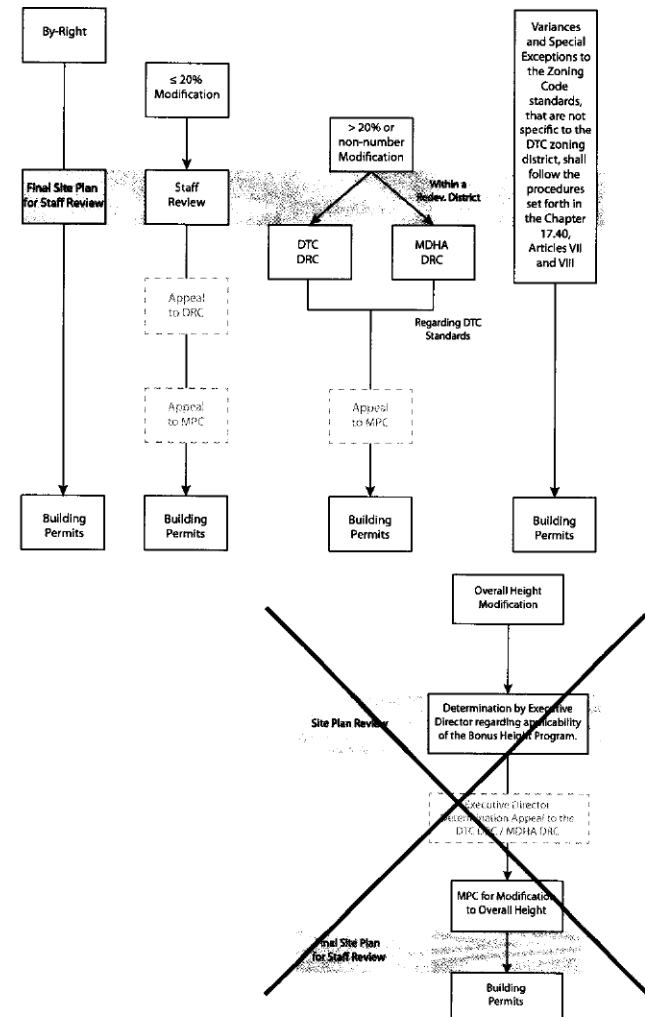
Section I: Introduction

Application of the DTC: Compliance

- Vice-Mayor, on behalf of the Metro Council
- Historic Commission
- Planning Commission

Each member shall be a design professional, with a degree or several years of experience in architecture, landscape architecture, planning or urban design. The members nominated by the Nashville Area Chamber of Commerce and the Nashville Downtown Partnership shall be exempt from this requirement.

Each term shall be four years, with the appointees of the Mayor, Vice-Mayor and Planning Commission serving an initial two-year term upon adoption of the DTC. Any vacancy occurring during the unexpired term of any members shall be filled in the manner prescribed herein for the original selection of the members of the DTC DRC.



Compliance with the DTC shall be required according to the following:

- Level 1: An addition of twenty-five percent or less of the square footage of the existing building
 - To the extent practicable, any addition shall be in compliance with applicable standards of the DTC.
- Level 2: An addition of more than twenty-five percent of the square footage of the existing building or 1000 square feet, whichever is greater
 - Improvements to the sidewalk corridor according to the *Major and Collector Street Plan*.
 - Where possible, the addition of street trees
 - Parking lot landscaping standards
 - To the extent practicable, any addition shall be in compliance with applicable standards of the DTC.
- Level 3: Redevelopment after the demolition or destruction of more than five percent and less than fifty percent of the existing building
 - Improvements to the sidewalk corridor according to the *Major and Collector Street Plan*.
 - Where possible, the addition of street trees
 - Parking lot landscaping standards
 - To the extent practicable, new construction shall be in compliance with applicable standards of the DTC.
- Level 4: Redevelopment after the demolition or destruction of more than fifty percent of the existing building
 - All standards of the DTC
 - Improvements to the sidewalk corridor according to the *Major and Collector Street Plan*.
- Level 5: New construction of buildings, parking, open space, etc
 - All standards of the DTC
 - Improvements to the sidewalk corridor according to the *Major and Collector Street Plan*.

Signage Compliance

- For those properties within Historic Zoning Overlays, the sign standards of the CF zoning district shall apply, along with historic zoning district design guidelines.
- For those properties not within Historic Zoning Overlays, the sign standards of the DTC zoning district shall apply.
- No new billboards are allowed within the DTC boundaries.

Section IV: General Standards

Sustainable Building Design

Leadership in Energy and Environmental Design (LEED) certification from the U.S. Green Building Council (USGBC)

1. Any structure over 100,000 square feet and less than 250,000 square feet is required to submit LEED precertification or initial certification from a different nationally-recognized, third-party system of overseeing green building and/or sustainable development practices with the building permit application.
 2. Any structure 250,000 square feet or more is required to obtain LEED certification or certification from a different nationally-recognized, third-party system of overseeing green building and/or sustainable development practices.
- Prior to issuance of a temporary certificate of occupancy for any use of the development, a report shall be provided for the review of the Department of Codes Administration by a LEED accredited professional. The report shall certify that all construction practices and building materials used in the construction are in compliance with the LEED certified plans and shall report on the likelihood of certification. If certification appears likely, temporary certificates of occupancy (as set forth below) may be issued. Monthly reports shall be provided as to the status of certification and the steps being taken to achieve certification. Once certification is achieved, the initial certificate of LEED compliance, as set forth herein, and a final certificate of occupancy (assuming all other applicable conditions are satisfied) shall be issued.
 - To ensure that LEED certification is attained the Department of Codes Administration is authorized to issue a temporary certificate of occupancy once the building is otherwise completed for occupancy and prior to attainment of LEED certification. A temporary certificate of occupancy shall be for a period not to exceed three (3) months (with a maximum of two extensions) to allow necessary time to achieve final certification. Fees for the temporary certificate (and a maximum of two extensions) shall be \$100 or as may otherwise be set by the Metro Council. Once two extensions of the temporary certificate of occupancy are granted, any additional extensions shall be granted only in conjunction with a valid certificate of LEED noncompliance as set forth herein.
 - If the property fails to achieve LEED certification, the Department of Codes Administration is authorized to issue a short-term certificate of LEED noncompliance. This certificate will allow the building to retain its certificate of occupancy pending attainment of LEED certification. A certificate of LEED noncompliance shall be for a period not to exceed three (3) months and may be renewed as necessary to achieve certification. The fee for noncompliance shall be issued every time the certificate is issued for up to ten years.
 - The fee for a certificate of LEED noncompliance shall be based on the following formula: $F = [(CN-CE)/CN] \times CV \times 0.0075$, where:
 - F is the fee;
 - CN is the minimum number of credits to earn the level of LEED certification for which the project was precertified;
 - CE is the number of credits earned as documented by the report; and
 - CV is the Construction Value as set forth on the building permit for the structure.

Section IV: General Standards

Lots and Frontages

Frontages

A Frontage is the specific way in which the building face addresses the street. It is the transition and interaction between the private and public realms. Building Frontages define the character and form of the public spaces within each neighborhood. The following standards shall apply to all development within the DTC.

- Buildings shall front a street (excluding alleys), open space, or a pedestrian passage.
 - Principal and Minor Frontages
 - Every property shall establish one Principal Frontage along a street.
 - When a lot fronts more than one street the following priority shall be given when establishing the Principal Frontage: Primary Street, Secondary Street, Tertiary Street, Other Street.
 - Any other frontage(s) shall be treated as a Minor Frontage.
 - In the instance a property fronts multiple Primary streets, any may be chosen as the Principal Frontage or all may be treated as the Principal Frontages.
 - Along a Minor Frontage, the façade width may be reduced to the maximum depth of the building along the Principal Frontage. The remaining lot width shall be defined with a knee-wall according to the Walls and Fences section of the DTC.
 - Along a Minor Frontage, modifications may be granted for the reduction of ground level garage liners and/or glazing requirements.
 - Façade Width
 - The minimum façade width is the minimum amount of the frontage that must be defined by a building and is designated as a percentage of the frontage.
 - If a single lot frontage is greater than two hundred feet, the façade width may be reduced to a minimum of one hundred and fifty feet in length.
 - Open Space Frontages
 - When building facades front on open space the standards of the adjacent street type (excluding Tertiary) shall apply.
 - All buildings fronting open space shall have a minimum of one primary pedestrian entrance on the open space.
 - Pedestrian Passage Frontages
 - When building facades front on a pedestrian passage the standards of the adjacent street type (excluding Tertiary) shall apply.
 - All buildings fronting a pedestrian passage shall have a minimum of one primary pedestrian entrance on the pedestrian passage.
- #### Build-to Zone
- The Build-to Zone is the specified depth along a property's street frontage(s) in which the required minimum façade width must be located. The depth is Subdistrict and Street Type specific.
 - Depending on site conditions the front of the Build-to Zone may begin at different locations.
 - When the existing sidewalk meets the Major and Collector Street Plan standards for sidewalk width, the Build-to Zone begins at the back of the sidewalk/property line.
 - When the existing sidewalk does not meet the Major and Collector Street Plan standards for sidewalk width, the sidewalk shall be widened on site and the Build-to Zone begins at the back of the new sidewalk.
 - When utility or pedestrian easements exist along the street frontage of a property the Build-to Zone shall begin at the back of the easement.
 - When buildings front an Open Space the Build-to Zone shall begin at the back of the Open Space.
 - Attachments
 - Structures, including porches, stoops, and balconies shall not encroach beyond the front of the Build-to Zone.
 - Elements such as stairs, awnings, and landscaping may encroach beyond the front of the Build-to Zone. Any encroachments into the right-of-way must follow the Mandatory Referral process.
 - Entrances
 - All buildings shall have at least one pedestrian entrance on the Principal Building Frontage. This may be access to a lobby shared by individual tenants.
 - Corner entrances are appropriate on corner lots.

Section IV: General Standards

Lots and Frontages

- **Glazing**
 - All street level exterior windows must have a minimum light transmission of 60 percent.
 - Modifications may be permitted insofar as it is determined that tinting does not substantially diminish the effect of the building wall or the pedestrian character of the street.
- **Vehicular Access**
 - When calculating the minimum façade width, access to structured parking shall be counted as part of the required façade width, and access to surface parking shall not be counted part of the required façade width. That is, access to surface parking is allowed in the “remaining” area, after the façade width requirement has been met. Surface parking is not allowed in the “remaining” area.
- **Auto-oriented canopies and awnings**
 - Auto-oriented canopies and awnings, for uses such as drive-thrus and gas station pumps, may be attached to a building according to the following:
 - The building shall comply with all Frontage standards.
 - The canopy and/or awning shall be lower in height than the primary building.
 - The setback of the canopy and/or awning shall be a minimum of 15 feet from the back of the Build-to Zone.
- **Exteriors**
 - Any new roof or complete resurfacing of an existing roof must use a roofing material having an SRI of 29 or greater for roof slopes greater than 2:12 or SRI of 78 for slopes less than or equal to 2:12.

Active Use

- An active ground floor use requirement shall mean a habitable space occupied by retail, office, residential, institutional or recreational uses, specifically excluding parking and mechanical uses.
- An active use is required on the ground floor of all Primary streets, Secondary streets, Open Space and pedestrian passages. An active use is encouraged on Tertiary streets, particularly if the Tertiary street is the only street frontage, but is not required.
- Any references to the requirement of an active use on the ground floor on “streets” or “public streets” shall exclude Tertiary streets, Other streets, and alleys and shall include Open Space and pedestrian passages. However, if a Tertiary street is a project’s only street frontage, all active use requirements shall apply on that frontage.
- The term “active use” and “building liner” are synonymous.

Section IV: General Standards

Parking and Access: Specific to Structured Parking

Vehicular Access

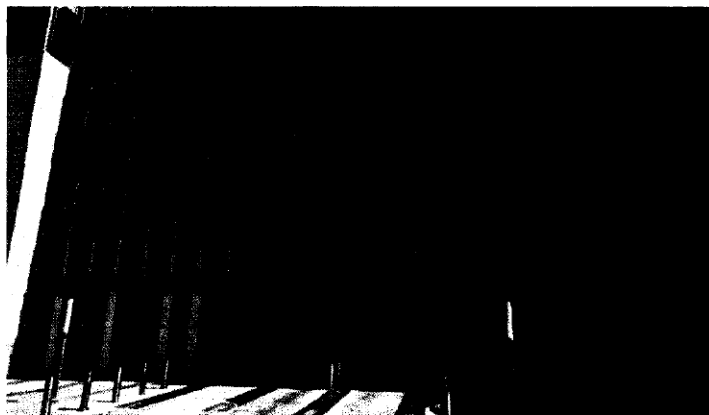
- Vehicular openings to parking structures shall not exceed thirty-five feet in width.
- Vehicular openings shall have a minimum spacing of thirty-five feet.

Pedestrian Access

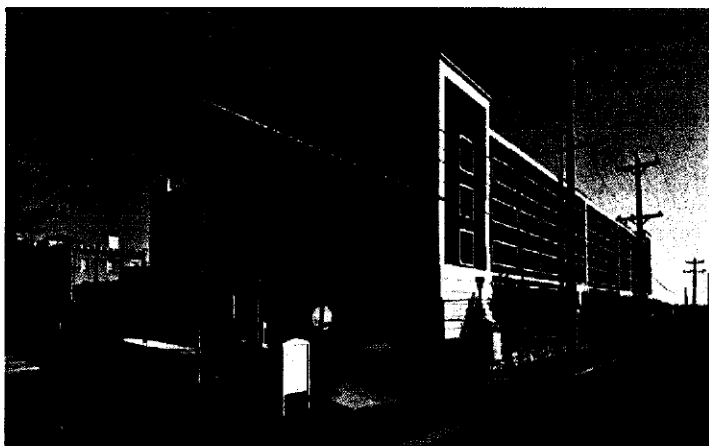
- All parking structures with parking available to the public shall have a clearly marked pedestrian entrance, separate from vehicular access, on street frontages. A publicly accessible building lobby may meet this requirement.

Location and Lining

- On the ground level, parking structures shall be located behind a liner building with an active use that is a minimum of fifteen feet deep.
- Upper level habitable liners are encouraged on all streets and are required on James Robertson Parkway. See the Bonus Height Program for more information on incentives for upper level garage liners.
- Upper level facade treatments /cladding is required on all public street frontages, including any facades visible from the Interstates. Facade treatments shall integrate or complement the architectural characteristics of the habitable portion of the building and the surrounding built context. Openings for natural ventilation are permissible when integrated into the facade design. Landscape buffering may be considered as an alternative at appropriate locations, such as Interstate frontages.
- Underground parking that is visible from the street, shall not extend beyond the façade of the building. Underground parking that is completely below grade may extend beyond the façade of the building. Underground parking may not encroach into the right-of-way.



Appropriate upper level facade treatment with full cladding



Appropriate upper level facade treatment with natural ventilation



Inappropriate upper level facade treatment

Section IV: General Standards

Bonus Height Program

The Bonus Height Program (BHP) allows additional building height in Downtown in exchange for contribution to specified programs that provide benefits to the public. The Bonus Height shall be permitted if the proposed development contributes to specific public benefits in the amount and manner set forth herein.

Bonus Height shall be permitted in exchange for the following public benefit contributions: ~~Leadership in Energy and Environmental Design (LEED) certification of individual buildings, LEED for Neighborhood Development, pervious surface, Historic Building Preservation, publicly accessible Open Space, Workforce Housing, Civil Support Space, and Inclusionary Housing, upper level garage liners, and underground parking.~~

Bonus Height Standards

- Upon providing a binding commitment for the specified public benefit, the proposed development project shall be allowed to build within the restrictions of the Subdistrict, up to the Bonus Height Maximum as established within this section.
- Multiple height bonuses may be compounded insofar as the total additional height does not exceed the Bonus Height Maximum for the Subdistrict.
- Additional development rights achieved through the BHP may be transferred to another site within the DTC one time to one receiving site, provided the transferred height does not exceed the Bonus Height Maximum of the receiving site. By-right height may not be transferred; only bonus height received through the BHP may be transferred.
- Bonus height transfers shall be based on the square footage of the sending site, not the receiving site.
- No building permit shall be issued for bonus height until the Planning Commission has certified compliance with the provisions of this section, upon referral and assurance of compliance from applicable departments.

Section IV: General Standards

Bonus Height Program

LEED and LEED ND

The U.S. Green Building Council (USGBC) is a non-profit organization that oversees the Leadership in Energy and Environmental Design (LEED) Green Building Rating System.

LEED for Neighborhood Development integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. LEED-ND goes beyond the building to address sustainability on a neighborhood-wide basis.

The bonuses are specific to each Subdistrict. See the BHP Chart for details.

A different nationally-recognized, third-party system of overseeing green building and/or sustainable development practices may be substituted for LEED. Bonuses will be determined by the Planning Commission based on ratings equivalent to LEED silver, gold, and platinum.

Bonuses for individual buildings are given upon pre-certification of LEED silver, gold and platinum. Bonuses for neighborhoods are given upon pre-certification of LEED-ND. Every property within the LEED-ND neighborhood may utilize the bonus height. The bonuses are specific to each Subdistrict. See the BHP Chart for details.

The following shall apply to all new construction that utilizes the Bonus Height Program for LEED:

- Prior to issuance of a temporary certificate of occupancy for any use of the development, a report shall be provided for the review of the Department of Codes Administration and the Planning Commission by a LEED accredited professional. The report shall certify that all construction practices and building materials used in the construction are in compliance with the LEED certified plans and shall report on the likelihood of certification. If certification appears likely, temporary certificates of occupancy (as set forth below) may be issued. Monthly reports shall be provided as to the status of certification and the steps being taken to achieve certification. Once certification is achieved, the initial certificate of LEED compliance, as set forth herein, and a final certificate of occupancy (assuming all other applicable conditions are satisfied) shall be issued.
- To ensure that LEED certification is attained the Department of Codes Administration is authorized to issue a temporary certificate of occupancy once the building is otherwise completed for occupancy and prior to attainment of LEED certification. A temporary certificate of occupancy shall be for a period not to exceed three (3) months (with a maximum of two extensions) to allow necessary time to achieve final certification. Fees for the temporary certificate (and a maximum of two extensions) shall be \$100 or as may otherwise be set by the Metro Council. Once two extensions of the temporary certificate of occupancy are granted, any additional extensions shall be granted only in conjunction with a valid certificate of LEED noncompliance as set forth herein.
- If the property fails to achieve LEED certification, the Department of Codes Administration is authorized to issue a short-term certificate of LEED noncompliance. This certificate will allow the building to retain its certificate of occupancy pending attainment of LEED certification. A certificate of LEED noncompliance shall be for a period not to exceed three (3) months and may be renewed as necessary to achieve certification. The fee for noncompliance shall be issued every time the certificate is issued for up to ten years.
- The fee for a certificate of LEED noncompliance shall be based on the following formula: $F = [(CN - CE) / CN] \times CV \times 0.0075$, where:
 - F is the fee;
 - CN is the minimum number of credits to earn the level of LEED certification for which the project was pre-certified;
 - CE is the number of credits earned as documented by the report; and
 - CV is the Construction Value as set forth on the building permit for the structure.

Section IV: General Standards

Bonus Height Program

Pervious Surface

The integration of pervious surfaces into site design and building design benefits the individual development, the neighborhood and the city. Pervious surfaces can reduce stormwater runoff, flood risk, irrigation needs and the burden on infrastructure. Examples of pervious surfaces include pervious pavement, green roofs, bio-swales, landscaping, and green screens. As technology in this field advances, additional pervious surfaces may meet the intent of this standard.

- The number of square feet of Bonus Height shall be twice that of the number of square feet of Pervious Surface. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- Green roofs that are utilized to meet LEED certification may not be “double counted” for both the LEED height bonus and the Pervious Surface height bonus. If the level of LEED certification would be met without the green roof, then the green roof may be counted for the Pervious Surface height bonus.

Historic Building Preservation

The preservation and re-use of Downtown’s historic buildings is critical to maintaining the character and identity of Nashville. Use of this bonus shall require a recommendation from the Metropolitan Historical Commission, or its designee, on the worthiness of preserving a building outside of a Historic Overlay District, including but not limited to buildings worthy of conservation, and buildings listed on or eligible to be listed on the National Register of Historic Places. A recommendation shall also be provided on the square feet of the preserved historic building footprint.

- The number of square feet of Bonus Height shall be equal to the development rights being forfeited by the preservation of the building, calculated as follows: the number of by-right stories permitted minus the number of stories of the historic building, multiplied by the square feet of the historic building footprint. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.

- The binding commitments shall consist of an instrument recorded in the register of deeds, that records the transferred bonus height and square feet calculations as first certified by the Planning Commission; records the preservation of the historic building in perpetuity by requiring that any exterior alterations including demolition in whole or in-part be reviewed and approved by the Metro Historic Zoning Commission following the Commission’s processes, policies, Secretary of Interior’s Standards and any applicable design guidelines; record the forfeiture or any future claim for additional building intensity of development, including any type of variance of the preserved historic building; and records the project’s and / or receiving site’s additional square feet and building height bonus derived from the transfer.

Within a Historic Overlay or Landmark District, existing buildings are eligible to transfer any unused DTC height entitlements based on the square foot calculations outlined in this section, and are subject to the BHP provisions and chart.

Section IV: General Standards

Bonus Height Program

Publicly-Accessible Open Space

Accessible, enjoyable open spaces are essential for vital and functioning neighborhoods. Open space provides the community with opportunities to be in an outdoor setting, while encouraging social interaction. See the BHP Chart for details for a list of Subdistricts in which the Open Space bonus may be utilized.

Open Space must be designed to the open space standards of the DTC. To be eligible for the Height Bonus, open space must be a minimum of ¼ acre in area.

- Plazas are not eligible for the BHP.
- In Open Space deficiency areas (See the Open Space section of the General Standards), the number of square feet of Bonus Height shall be seven times that of the number of square feet in open space. Outside of Open Space deficiency areas, the number of square feet of Bonus Height shall be four times that of the number of square feet in open space. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- Bonuses are available only for publicly accessible (whether publicly or privately owned) open space.

Workforce Housing

Housing encompassing a range of sizes, costs and tenure (both rental and owner-occupied), to accommodate the diverse range of employees and their families, is key to Downtown's continued economic health and to sustainable development patterns for Nashville/Davidson County.

Metro Government shall require the developer to execute an agreement, restrictive covenant, or other binding restriction on land use that preserves affordability and establishes the manner in which the affordability will be monitored for the required period before final site plan review.

As listed below, the specified percentage of total units shall be reserved for ownership or rental by households with incomes below the specified percentage of the current Average Median Income (AMI) in Davidson County, as determined by MDHA.

Height bonuses are based on a percentage of the Maximum Height allowed on the property as dictated by the Subdistrict.

In all cases, fifty percent (50%) of the additional stories shall be dedicated to Workforce Housing with twenty-five percent (25%) of the height bonus provided as housing for persons below one hundred percent (100%) of AMI and twenty-five percent (25%) of the height bonus provided as housing for persons below one hundred-twenty percent (120%) of AMI.

Workforce Housing Height Bonuses are:

- Level 1 = 10% increase in stories
- Level 2 = 20% increase in stories
- Level 3 = 30% increase in stories
- Level 4 = 40% increase in stories

Not all Levels are available in every Subdistrict. See the BHP Chart for details.

When percentage calculations result in a fraction of a story, the number of stories shall be rounded up.

The following shall apply to all construction that utilizes the BHP for Workforce Housing:

- Owner-occupied units shall remain affordable for 30 years.
- Renter-occupied units shall remain affordable for 30 years.
- Units that are converted from renter-occupied to owner-occupied shall remain affordable (as determined above) for 30 years beyond conversion.
- The size of all Workforce Housing units shall be at least 80% of the average size of market rate units.

Section IV: General Standards

Bonus Height Program

Civil Support Space

The dedication of Civil Support Space offers height bonus for the developer's contribution of space to a specific use or entity that serves to better the neighborhood or community. See the BHP Chart for details for a list of Subdistricts in which the Civil Support Space bonus may be utilized.

- Civil Support Space is typically on the ground level. Upper levels may be appropriate depending on the intended use.
- The number of square feet of Bonus Height shall be twice that of the number of square feet donated to Civil Support Space. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- Civil Support Space shall be dedicated to the chosen use or uses for 15 years. Adherence to this standard shall be checked yearly by the Planning Commission or its designee.

The Planning Commission may require the developer to execute an agreement, restrictive covenant, or other binding restriction on land use that preserves the use of Civil Support Space for the required period before final site plan review.

The following uses are appropriate for Civil Support Spaces:

- Institutional Uses
 - Cultural center
 - Day care center
 - School day care
- Education
 - Community education
- Transportation Uses
 - Water taxi station
- Waste Management Uses
 - Recycling collection center
- Recreational and Entertainment Uses
 - Community playground
- Other Uses
 - Community garden

Other uses may be appropriate for Civil Support Space. The applicant may propose a different use for Civil Support Space to be approved by the Planning Commission.

Upper Level Garage Liner and Underground Parking

The public realm of the streetscape is improved by providing parking in underground structures and lining above ground parking structures with habitable space. See the BHP Chart for a list of Subdistricts in which the Garage Liner and Underground Parking bonuses may be utilized.

- Height bonuses are given for upper levels of habitable space, a minimum of 20' in depth, which masks a parking structure from view along public streets and open space. The minimum depth may be reduced by the Planning Commission provided the intent of an active streetscape is met.
- The number of square feet of Bonus Height shall be twice that of the number of square feet in Garage Liners. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- The number of square feet of Bonus Height shall be equal to the number of square feet in Underground Parking. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- Height bonuses are not given for ground level liners, or upper level liners that are required by the DFC.

Public Parking

Parking accessible to the general public is important to the continued growth and vitality of Downtown. See the BHP Chart for a list of Subdistricts in which the Public Parking bonuses may be utilized.

- The number of square feet of Bonus Height shall be twice that of the number of square feet in Public Parking. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- Public Parking shall be clearly marked as public, and shall be accessible to the public, at all hours that the garage is open, for the lifetime of the building.

Inclusionary Housing

Bonus Height is available for compliance with section 17.40.780 of the Zoning Code, as shown in the Bonus Height Program (BHP) Chart.

Section IV: General Standards

Bonus Height Program

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Section IV: General Standards

Bonus Height Chart

Subdistrict	Maximum Height within the Subdistrict	Historic Building Preservation	Open Space	Civil Support Space	Inclusionary Housing	Bonus Height Maximum
Central Use Area James Robertson	elevation of 560'	No Bonus	No Bonus	No Bonus	No Bonus	No Bonus
Core	30 stories	8 stories	8 stories	8 stories	Unlimited	Unlimited
Core-Historic	6 stories on the interior of blocks; 10 stories on the corners	4 stories - interior	No Bonus	No Bonus	4 stories - interior	10 stories
Upper Broadway	100'	No Bonus	No Bonus	No Bonus	No Bonus	No Bonus
Second and Broadway						
Broadway	5 stories within 65'	No Bonus	No Bonus	No Bonus	No Bonus	No Bonus
Second Avenue	8 stories within 105'	No Bonus	No Bonus	No Bonus	No Bonus	No Bonus
Union Street	12 stories within 180'	No Bonus	No Bonus	No Bonus	No Bonus	No Bonus
Other Streets	8 stories within 105'	No Bonus	No Bonus	No Bonus	No Bonus	No Bonus
SoBro						
General, or 8th Avenue frontage south of the roundabout (beyond 100' from frontage)	30 stories	8 stories	8 stories	8 stories	Unlimited	Unlimited
West side of 1st and East side of 2nd 8th Avenue frontage south of the roundabout (within 100' of frontage)	15 stories 8 stories	5 stories 2 stories	5 stories 2 stories	5 stories 2 stories	15 stories 3 stories	30 stories 11 stories
River	10 stories	No Bonus	No Bonus	No Bonus	No Bonus	No Bonus
South Use Area Lafayette						
Transitional Properties	15 stories	3 stories	3 stories	3 stories	3 stories	18 stories
Lafayette Street	12 stories	3 stories	3 stories	3 stories	4 stories	16 stories
General	8 stories	2 stories	2 stories	2 stories	3 stories	11 stories
Rutledge Hill						
Primary and Secondary	6 stories	1 story	1 story	1 story	1 story	7 stories
Tertiary	3 stories	No Bonus	No Bonus	No Bonus	No Bonus	No Bonus
Rolling Mill Hill	65' with a HCP of 1:1.5	No Bonus	No Bonus	No Bonus	No Bonus	No Bonus
Rutledge River	9 stories	2 stories	2 stories	2 stories	3 stories	12 stories
West Use Area Gulch North						
General	7 stories	2 stories	2 stories	2 stories	3 stories	10 stories below 560' elevation
fronting Herman Street	4 stories	No Bonus	No Bonus	No Bonus	No Bonus	No Bonus
Gulch South						
General	10 stories	2 stories	2 stories	2 stories	6 stories	16 stories
On Church Street, Broadway, Demonbreun	15 stories	3 stories	3 stories	3 stories	6 stories	21 stories
Intersection of 12th Ave & Broadway, 12th Ave & Demonbreun, 12th Ave & Division, 8th Ave & Division	20 stories	4 stories	4 stories	4 stories	8 stories	28 stories
North Use Area Hope Gardens						
Primary	7 stories	1 story	1 story	1 story	1 story	8 stories
Secondary	4 stories	1 story	1 story	1 story	1 story	5 stories
Tertiary	3 stories	No Bonus	No Bonus	No Bonus	No Bonus	No Bonus
Sulphur Dell						
Primary	7 stories	1 story	1 story	1 story	1 story	8 stories
Secondary	5 stories	1 story	1 story	1 story	1 story	6 stories
Tertiary	4 stories	1 story	1 story	1 story	1 story	5 stories

