



Peer Advisor Memorandum: Middle-Scale Housing Policy Review

February 20, 2025

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This peer review was sought by Metro Nashville Planning Department for the purpose of receiving a high-level analysis of policies and regulations governing housing in Nashville, particularly middle-scale housing, often called the “missing middle.” Policies and standards reviewed included land use policy, zoning, subdivision regulations, building and fire codes, stormwater review procedures, and development review procedures.

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Middle-Scale Housing Policy Review Memo

Background

Over the last decade, Metro Nashville has seen significant population growth. This growth along with a decrease in the average household size over time has led to a need to add greater than 10,000 new housing units per year, above the expected rate of growth estimated by the city's general plan, NashvilleNext. Despite this significant need for new housing, Metro Nashville's development policies and zoning code largely remain preferential to the single-family home. As a result, construction has not kept up with demand.

About This Study

The Metro Nashville Planning Department engaged Interval, LLC to conduct an independent review of barriers and opportunities related to middle-scale housing and identify considerations for how to better enable middle-scale housing construction where Metro Nashville needs it most.

Preparation of this memo included a detailed analysis of NashvilleNext and its associated Community Character Manual, zoning and subdivision regulations, building and fire codes, stormwater regulations, and historic preservation guidelines. Additional documents reviewed as part of this study included demographic and market data, housing plans and policies, the nMotion transit plan, and other documents, articles, and materials provided by Metro Nashville Planning staff and sourced through additional research. Interval, LLC conducted focus groups with Metro Nashville Planning leadership, staff from the Planning Department's Housing, Community Plans, and Land Development Divisions, Metro Nashville Codes staff, and a panel of developers associated with the Nashville chapter of the Urban Land Institute. Planning, permit, and regulatory data was also sourced through open data and map resources provided by Metro Nashville government.

The following study is a first step in identifying where Metro Nashville stands today and how the city got to where it is in terms of policies and regulations. This study includes background research, analysis of input from focus groups and review of Metro Nashville's development policies, codes, standards, and procedures to determine the existing regulatory and policy barriers to more housing choices and opportunities. While the study identifies where problems may exist, it should not be seen as an exhaustive list of considerations. It is simply a preliminary study that identifies and outlines a starting point for how Metro Nashville government could make changes to development regulations and review procedures, zoning map amendments, and land use and other policy changes. The following information summarizes the preliminary findings of barriers and opportunities for middle-scale housing in Metro Nashville, along with key considerations.

This review recognizes the importance of, but does not address the substance of, other factors relevant to the feasibility, timing, supply, location, and impact of development projects, such as economic

feasibility, infrastructure capacity, equity, and gentrification. Any changes should go through a public process to ensure a clear understanding of the pros and cons to each decision.

About Middle-Scale Housing

Middle-scale housing typically refers to a range of multi-unit or clustered housing types that fall between traditional single-family homes and larger apartment buildings. The term "larger apartment buildings" generally refers to mid-rise (4-7 stories) and high-rise (8 stories or) buildings with densities typically greater than 60 dwelling units per acre. Middle-scale housing types include duplexes, triplexes, quadplexes, townhouses, small apartment buildings, and other forms of low-rise, moderate-density residential developments. This study also includes review of detached accessory dwelling units in the scope of middle-scale housing. Middle-scale housing provides opportunities to incrementally increase density, allow for diverse housing options, and help address issues related to housing affordability and urban growth.

The importance of middle-scale housing for communities can be attributed to several factors:

- Housing Demand and Diverse Housing Options: Middle-scale housing can help meet growing housing demand and provide a variety of housing options beyond single-family homes and large apartment buildings. Middle-scale housing types can help gain entry to the experience of living in single-family neighborhoods, but in more affordable and compact forms oriented toward the needs of diverse households, families, and individuals.
- Affordability: Middle-scale housing types often offer more affordable options compared to single-family homes, making it easier for a broader range of people to find suitable housing. This is particularly important in addressing housing affordability challenges.
- Neighborhood Character: Middle-scale housing can contribute to maintaining or enhancing the character of neighborhoods and can be designed to blend in with the surrounding context, promoting a mix of housing styles within a neighborhood at neighborhood-scale densities.
- Walkability and Transit: The design and scale of middle-scale housing types often emphasize building walkable neighborhoods. Clustering housing in a way that is not exclusively single-family can support walkable neighborhoods and improve access to public transportation. Middle-scale housing can provide critical density to support transit service.
- Flexibility and Adaptability: Middle-scale housing provides flexibility for individuals and families at different life stages. It allows for downsizing or upsizing within the same neighborhood, promoting stability and community.

Metro Nashville has experienced significant population growth in the last fifteen years. Since 2010, Metro Nashville has added nearly 90,000 new residents, increasing nearly 15% during that time. In the same time period, the average household size has dropped to 2.09 persons per household, further

increasing demand for housing in the city. Just in the three years between 2019 and 2022, Metro Nashville added nearly 40,000 new households. This growth has outpaced the population and household growth estimates from the NashvilleNext general plan, adopted in 2015. The general plan expected Metro Nashville needed to add 3,500 to 6,000 new housing units annually to keep up with demand. Today, Metro Nashville's Planning Department is adjusting that target upward closer to 10,000 units annually based on growth trends experienced.

New housing has largely come in two forms since 2015: single-family development and large, multi-family or mixed-use development. While the latter has helped to address the need for abundant housing, it has largely been developed recently in dense, urban districts in and around the city's downtown core. Meanwhile, neighborhood scale development has mostly come in the form of single-family housing, which contributes less to meeting the city's growing housing needs.

In the NashvilleNext general plan, the city articulated a need to begin addressing the "missing middle." Among the reasons cited were providing more housing choices and diversity of housing, transitioning from denser development along corridors and in urban centers into the city's neighborhoods, and meeting demand of growing housing needs.

Housing Choice and Diversity

Among focus group participants interviewed for this study, including Planning staff, local developers, and design professionals, many saw middle-scale housing as a key piece of addressing housing choice, diversity, and equity. Many in the focus groups cited the importance of not only providing housing for all incomes of Nashville residents but also housing for all ages as needs change. While some concern was expressed initially about issues of displacement where changes in regulations may encourage new development (of middle-scale housing), it is important to acknowledge that displacement is happening today, as developers find opportunities to add more units to a lot on a smaller scale than what many middle-scale housing types would allow. Allowing this by-right at lower densities only worsens issues of inequity and displacement. While enabling middle-scale housing development alone will not solve these issues, it will help to better address growing housing demand. Middle-scale housing may not provide abundant housing, but allowing more middle-scale housing creates more options and helps move beyond the status quo.

Transitioning from Corridors and Centers

The general plan seeks to link development of new housing with a system of high capacity transit along key corridors through urban and suburban centers and neighborhoods. To support this level of transit infrastructure, greater density along transit corridors is necessary, not only along the corridor but within walking distance of transit stops. In cooperation with NashvilleNext, the city developed the nMotion Transit Plan, identifying key corridors for higher frequency transit. While investment in higher capacity transit has not yet materialized, the need has only grown in the period since the adoption of the plan due to the population and housing growth experienced throughout Metro Nashville. At the start of this review, Nashville's mayor, Freddie O'Connell, has made transit a priority, and considerations are being made to advance a transit funding referendum that would advance many of the higher capacity transit proposals along the lines of what is recommended by nMotion.

In communities like Nashville where higher capacity transit is planned to be added to already auto-centric corridors, higher densities will be necessary to help drive necessary ridership demand to support transit services. This demand comes from walkable density surrounding transit corridors and stops. While this need should in great measure be met by high density development along the corridors, middle-scale housing plays a key role between high density development corridors and lower density neighborhoods. This role is not only to support walkable, complete communities around transit, but to transition the scale of development.

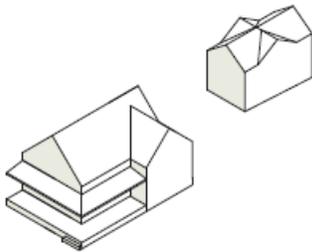
Meeting Growing Demand

NashvilleNext estimated the need for housing units to be 3,500 to 6,000 units per year. Since the plan was adopted in 2015, the Metro Nashville Planning Department has determined the need has increased closer to 10,000 units annually. Today's pace of development has consistently exceeded that target for the last three years, but mostly in single-family homes and large multi-family. Figure 3 on Page 9 groups all multi-family units as developments of five or more units, but based on a review of individual building permit data, it is clear the vast majority of new buildings include more than 50 units.

Not surprisingly, higher density development is concentrated around the city's core, whereas development in most neighborhoods and along transit corridors is largely single family. Figure 3 also illustrates the lack of middle-scale housing developments in Metro Nashville and underscores the opportunity the city has to roll back critical barriers and helps allow new housing types to contribute to meeting the city's housing needs.

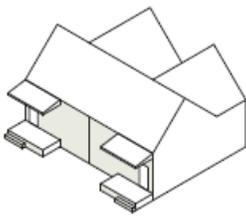
Middle-Scale Housing Types

Middle-scale housing types addressed in this study are generally considered "low-rise buildings" of 1-3 stories, as identified by the NashvilleNext Community Character Manual. In order to advance the recommendations of NashvilleNext to successful policy and regulatory changes, summaries and graphic descriptions below come directly from the Community Character Manual.



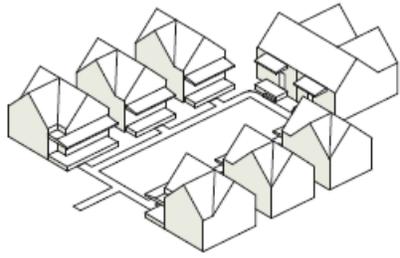
Detached Accessory Dwelling Unit (DADU)

A low-rise building type that describes a detached living structure this is subordinate to the main dwelling or use of land and located on the same lot and under the same ownership. Vehicular access is from the fronting street or alley, and a pedestrian passage way is provided to the street frontage. Alternative names for this building type include: granny flat, mother-in-law suite, garage apartment, carriage house, and alley house.



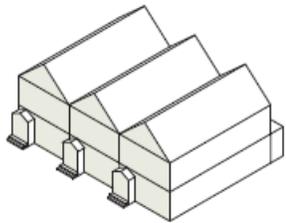
Plex House

A low-rise building type that describes a single structure containing two or more dwelling units. Each unit has its own pedestrian entry, or shares a common entry, along the street frontage. Vehicular access is from the fronting street, side street, or alley. Common examples of this building type include duplex, triplex, and quadplex.



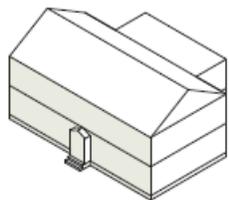
House Court

A low-rise building type that describes a group of small detached houses arranged around a common court, yard, or open space that is typically perpendicular to the street. Front façades and primary pedestrian entrances are oriented to and accessed from the common area; houses on the primary street are oriented to the primary street and accessed from the primary street or open space. Vehicular access is from the fronting street or alley.



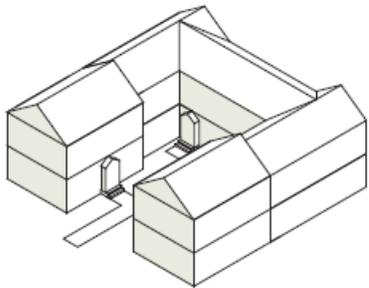
Townhouse

A low-rise building type that describes an attached structure consisting of two or more single-family dwelling units placed side-by-side. It occupies the full frontage of its lot, eliminating most side yards. Vehicular access is from the fronting street or alley and a primary pedestrian entrance for each unit is located along the primary street frontage.



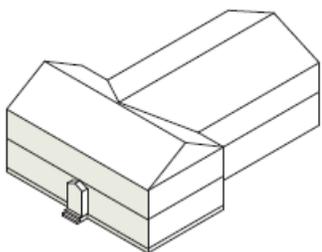
Manor House

A low-rise multifamily building type containing between three and six dwelling units. It is designed to appear, from the exterior, as a single-family home with one primary entrance from the exterior and access to the individual living units provided inside the structure. Vehicular access is from the fronting street, side street, or alley, and a primary pedestrian entrance is located along the primary street frontage of the building.



Courtyard Flat

A low-rise multifamily building type in a U- or L-shape that frames a common open space. Pedestrian entrances are located along the primary street frontage and along the open space. Each unit may have its own entry, or up to four units may share a common entry. Vehicular access is from the fronting street, side street, or alley.



Low-Rise Flat

A small multifamily residential building type which has units arranged along a corridor or around a shared entry. A primary pedestrian entrance is provided along the primary street frontage. Vehicular access is from the fronting street, side street, or alley.

Figure 1. Low-rise housing types from Community Character Manual (Source: Metro Nashville Planning Department). Note: House Courts are referred to as Cottage Courts in the zoning code.

What is Built Today?

New housing construction in Nashville is at 10-year high and has well exceeded projected needs from the NashvilleNext general plan. However, despite the boom in housing production, housing diversity still lags. Figures 2 and 3 below illustrate the growth in housing units permitted along with the types of housing permitted.

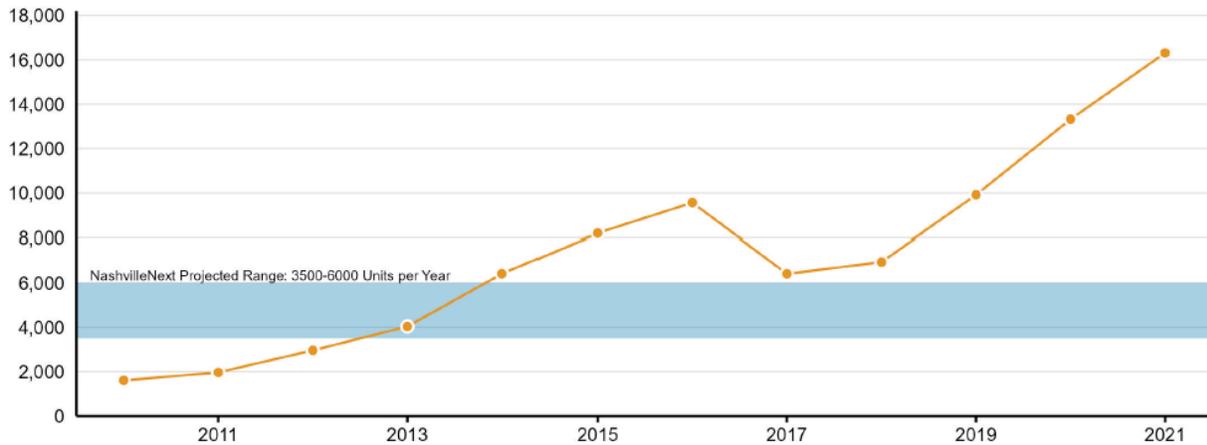


Figure 2. Growth in housing unit production (Source: Metro Nashville Planning Department)

Figure 3. Growth in housing unit production by type (below) (Source: Metro Nashville Planning Department)

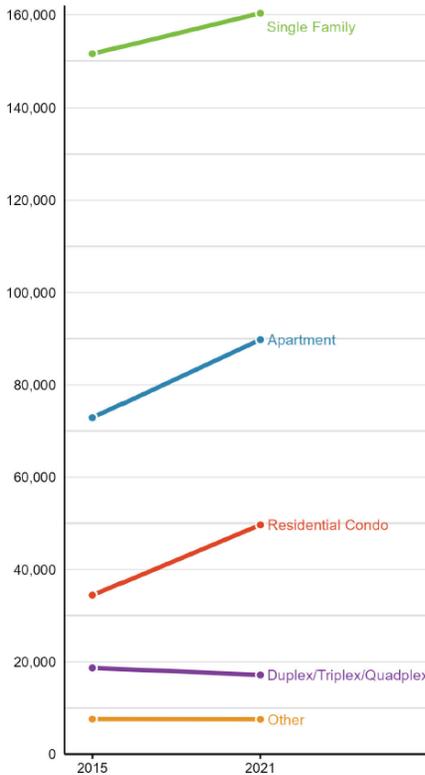


Figure 3 on the left shows growth in all defined categories of housing (Single-Family, Apartments, and Residential Condos) except small multifamily. The number of 2-4 unit dwellings declined over the same period of historic growth for the city. From 2010-2016, the average annual units permitted in two-family dwellings was 33; from 2017-2022 the annual average dropped to 21. For three- and four-family dwellings, the annual average increased from 2017-2022 to 13 units from 4 annually between 2010-2016. All numbers are courtesy of Metro Nashville Planning Department.

These low production numbers are not surprising given zoning regulations governing two- to four-family dwellings. In large part, residential zoning in Metro Nashville restricts development to single-family uses. The map on the next page illustrates the location of single-family (RS) and two-family (R) zoning districts in yellow and orange, respectively. Less common is the application of multi-family (RM) zoning shown in dark red. As the map below shows, multi-family zoning is more common on the outer edges of the city, rather than

closer to downtown in the core of the city. Currently, only 13% of acreage zoned RM in Metro Nashville is within the Urban Zoning Overlay (UZO).

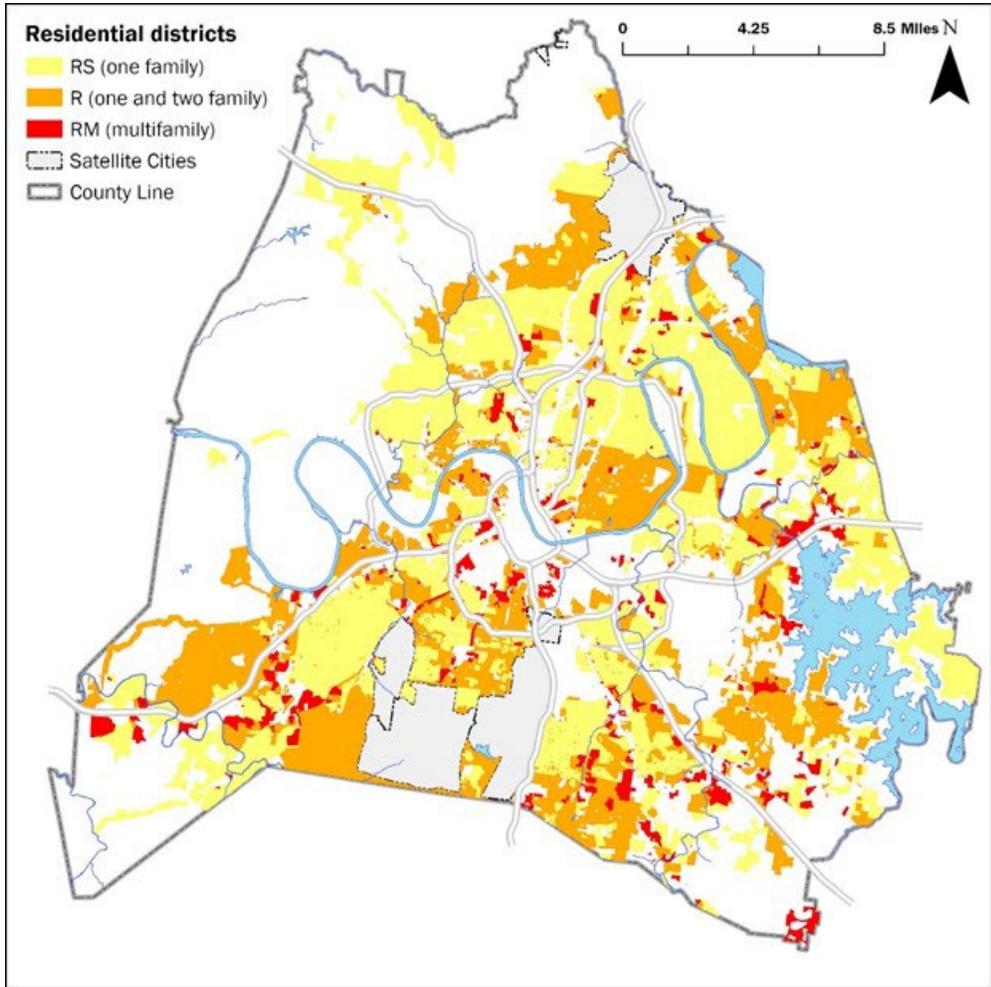


Figure 4. Residential zoning in Metro Nashville

Despite these factors, multifamily housing is still being developed primarily within and around the city's downtown core. The key distinction for the purpose of this study is this development is largely in the form of large multifamily developments well beyond the scope of what is considered middle-scale housing.

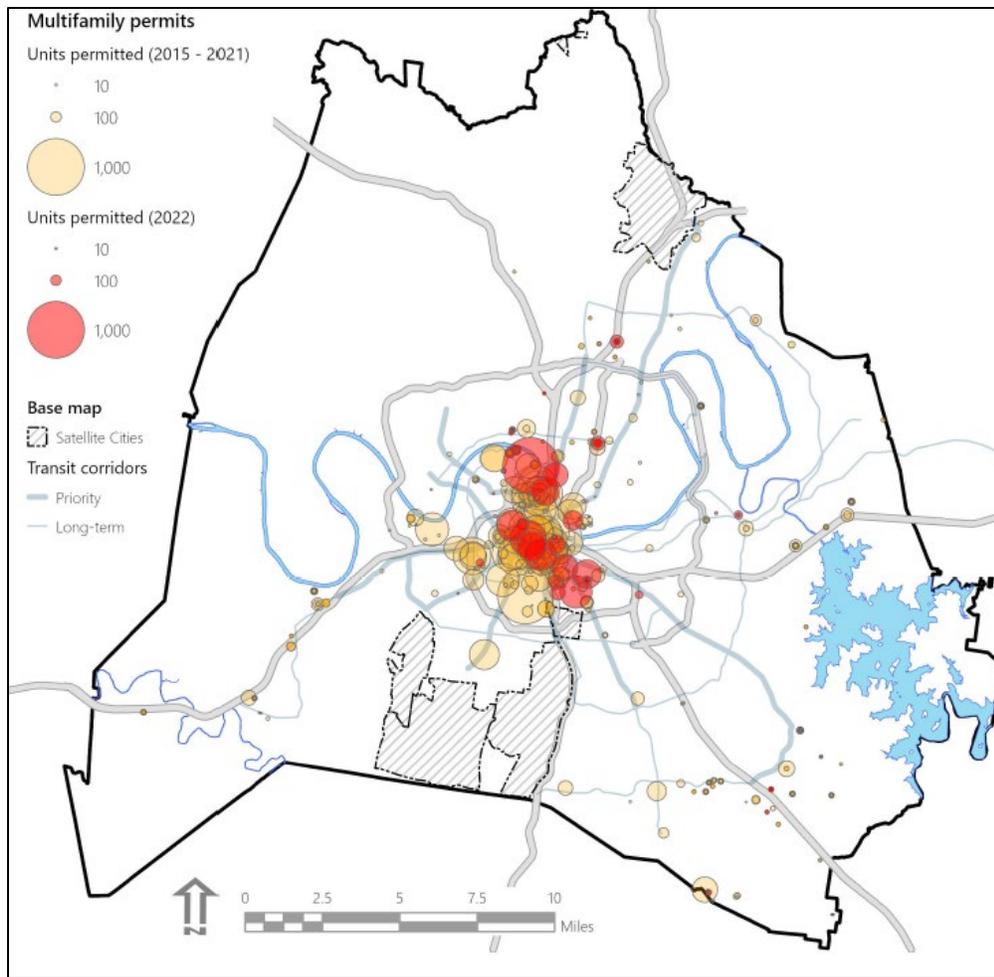
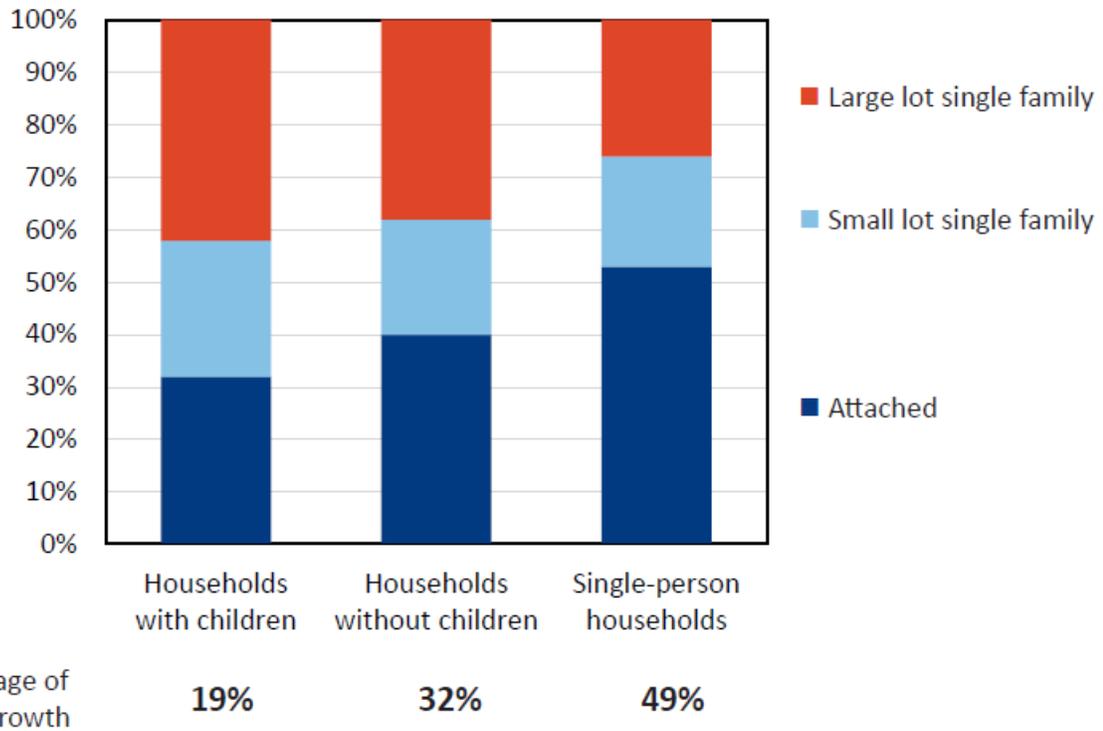


Figure 5. Map of multifamily permits, 2015-2021 (Source: Metro Nashville Planning Department)

Finally, since zoning is often a hurdle for middle-scale housing development, much of what is developed in Metro Nashville is first going through the entitlement process to seek rezoning to an RM district or a Specific Plan district. Between 2021 and 2023, 27 rezonings to RM districts were sought and approved for proposals that would have allowed between 3 and 20 units of housing. During the same period, 22 Specific Plans were approved for between 3 and 20 units of housing. Overall, Metro Nashville Planning Commission approved approximately 600 rezonings, Specific Plans, or planned unit developments (PUDs) during this same period.

In addition to growing demand for housing generally, Metro Nashville also shows growing demand for attached housing. From the NashvilleNext general plan, the household demographic group representing the highest percentage of growth by 2040 is the single person household. Among this group, data estimates the demand for attached housing exceeds that of detached single-family housing (Figure 6). While Nashville continues to deliver attached housing in and around the downtown core, as illustrated by Figure 5 above, the city lags in development of multifamily housing in neighborhoods. This study is aimed at uncovering the ways in which Metro Nashville can change that.



Source: Nelson, A. (2013). *Greater Nashville: Trends, Preferences and Opportunities 2010 to 2025 and to 2040*.

Figure 6. Demand for housing types from NashvilleNext (Source: Metro Nashville Planning Department)

Barriers and Opportunities

The regulatory environment in Metro Nashville restricts opportunities to build many of the middle-scale housing types listed above and addressed in this study. The review of barriers conducted for this study identified issues across several areas: zoning regulations, zoning overlays, subdivision regulations, building code, fire code, and stormwater regulations. Challenges to middle-scale housing were found in each of these areas, beginning with the various challenges within Metro Nashville’s zoning code.

Zoning Code and Map

Barriers to middle-scale housing types in Metro Nashville’s zoning code are summarized in one of three ways:

- Limiting land use development standards found in the text of the code
- Limiting district bulk regulations found in the R and RM districts
- Limiting allowed density as mapped through the RM districts throughout Metro Nashville

Limiting land use development standards

Within Metro Nashville's zoning code, limiting land use development standards principally affect two middle-scale housing types: detached accessory dwelling units (DADUs) and duplexes (or attached two-family).

Of all middle-scale housing types discussed in this study, perhaps none are subject to a more complex web of regulation than the DADU. Presumably this is due to the political friction often associated with adding more units to a lot in exclusively single-family zoning districts.

The first barrier found in the zoning code (17.04.060B) is within the definition of the DADU. The following statement in the definition provides the first layer of limitations on the locations where DADUs are allowed by restricting them to "lot[s] located within a historic overlay district, within any urban design overlay with development standards for detached accessory dwellings, on any lot with an improved alley abutting the rear or side property line or on any lot over fifteen thousand square feet."

The second issue in the zoning code (17.08.030) related to DADUs is their exclusion from the RS (single family districts). Aside from certain exceptions (the DADU overlay and the Cleveland McFerrin Park Specific Plan, both discussed later), the DADU is only permitted with conditions in R (two family) and RM (multi-family districts).

Through these conditions (17.16.030G), we find several more limiting land use development standards that further restrict the development of the DADU in more areas of Metro Nashville. Most limiting of these additional conditions are requirements related to property ownership. Item 17.16.030G(3)(a) requires "no more than one detached accessory dwelling shall be permitted on a single lot in conjunction with the principal structure." While this seems straightforward, provisions related to ownership are complicated by Item 17.16.030G(3)(c) that follows, which requires that on lots with a DADU, "one of the two dwellings shall be owner-occupied." Given the DADU is only allowed by-right in two-family and multi-family districts, these requirements taken together seem to favor DADU construction in instances where a single-family structure is the principal dwelling on a lot in an R or RM district. The choice of wording "one of the two dwellings" in this Item also suggests the DADU counts as one of two dwellings allowed on a lot in the two-family district. However, the Zoning Administrator for Metro Nashville confirmed for this study that the DADU is treated as an accessory, not a second dwelling.

DADUs are also limited in size and height by the conditions of the zoning code. Item 17.16.030G(7) limits the living space of a DADU to 700 square feet, the building footprint to 750 square feet on lots less than 10,000 square feet or 1,000 square feet on lots greater than 10,000 square feet, and the height not to exceed the principal structure on the lot. Elsewhere in Section 17.12.050, lot coverage of accessory structures are limited to "seven hundred (700) square feet or fifty percent of the building coverage of the principal dwelling, whichever is greater, but in no case shall exceed two-thousand five-hundred (2,500) square feet."

Other restrictions of note include: Item 17.16.030G(2) which restricts DADUs on nonconforming lots, Table 17.20.030 which requires an additional off-street parking space for an accessory unit outside

of the Urban Zoning Overlay (UZO), and Item 17.16.030G(10) which requires property owners to record a restrictive covenant limiting use of the DADU based on the conditions listed in the code as it appears today.

Similarly, duplexes are limited by conditions imposed by Section 17.16.030 of the zoning code. Though Nashville's code refers to "two-family" uses, it is important to distinguish between duplexes (two, attached single family units on the same lot) and two detached single-family units on the same lot. The former has been found to be "missing" more often in Nashville's development landscape and thus is the primary focus.

Like DADUs, two-family dwellings are restricted within the Residential R districts where they presumably are intended by-right. However, Item 17.16.030D requires that two-family dwellings be located on "any lot provided:

1. The lot is legally created and is of record in the office of the county register prior to August 1, 1984; [or]
2. The lot is created by the subdivision of a parcel of land in existence prior to August 1, 1984 into no more than three lots; or
3. The lot is part of a subdivision having preliminary approval by the metropolitan planning commission on or before August 15, 1984, and having commenced any substantial site development or infrastructure improvements, such as utilities and streets, and a portion of such subdivision is recorded in the office of the county register prior to April 1, 1985; or
4. The following:
 - a. The lot is part of a subdivision,
 - b. The subdivision has been approved by the metropolitan planning commission, and
 - c. The total number of lots permitting two-family dwellings within the subdivision shall be limited to not more than twenty-five percent of the total number of lots within the subdivision, and
 - d. The total number of lots within the subdivision permitting two-family dwellings shall be computed by disregarding and eliminating any and all fractions of a permitted two-family dwelling which results from the application of the twenty-five percent limitation to the total number of lots within the subdivision, and
 - e. The lots permitting two-family dwellings are identified on the final plat and the locations of the two-family dwellings have been approved by the metropolitan planning commission so as to minimize the impact on any existing single family development, and
 - f. The final subdivision plat has been recorded in the office of the county register; or
5. The lot is part of a planned unit development authorizing two-family structures as enacted by the metropolitan council."

Here too, limiting land use development standards for the two-family dwelling create a complex tree of restrictions constraining this housing type within its own use district. In addition to burdensome regulation, these limiting standards pose a burden on the process of permitting two-family dwellings. According to the Zoning Administrator, his zoning review staff spends an inordinate amount of time

“being a title company,” conducting deed searches and reading derivation clauses of deeds to determine whether two-family dwellings are allowed on lots in the R districts.

Limiting district bulk regulations and allowed density as mapped

Middle-scale housing types are primarily allowed through the R and RM districts of the code. While there are other options for residential mix in the Mixed Use (MU-) districts and some Office (OR-) districts, the main focus of this analysis is on the R and RM as these are intended to facilitate residential development inclusive of the middle-scale housing types discussed.

The R6 district is best suited for duplex development in an urban context, yet minimum lot size requirements combined with maximum building coverage requirement of 0.5 creates a limitation on unit size for side-by-side duplexes (maximum of 1,500 square feet per unit). Further, the lower limit of minimum lot size available in the R districts is 6,000 square feet, which also serves to limit options for stacked duplexes in an urban context.

More challenging though are the maximum density requirements in the RM districts, where most middle-scale housing types are allowed in Metro’s zoning code. For the purpose of considering ideal density standards for middle-scale housing development in an urban context, a minimum starting point is 14 units per acre. Starting out, this excludes the RM2-RM9 districts as useful to the purpose of this study. It is worth noting that considering minimum lot size requirements in the RM2-RM9 districts, these are effectively single-family districts. The combination of minimum lot size requirements with maximum density requirements not only pose barriers in these districts, but in the RM15 and RM20 districts too, where structures with more units are forced to consume more land than is likely necessary. This can be additionally burdensome considering high real estate costs in Metro Nashville today.

At the minimum starting point of 14 units per acre, we can expect to accommodate side-by-side duplexes, cottage courts, townhouses, and triplexes on larger lots (approximately 10,000 square feet). Effectively, this is the RM15 district of Nashville’s code. It is worth noting that RM15 is largely mapped in suburban areas of Metro Nashville and in many instances used for suburban campus multifamily development.

The next option above RM15 is the RM20 district. This district has been put into use more recently, particularly as part of the Wedgewood Houston design overlay. However, it too presents challenges to producing middle-scale housing at urban-scale density. The district imposes a minimum lot size of 7,500 square feet and maximum building height of 30 feet. Based on these criteria, this district is most suitable to accommodate side-by-side and stacked duplexes, cottage courts, townhouses, triplexes, and quadplexes on larger lots (approximately 9,000 square feet). As mapped, this district represents only 0.8% of the land area of Metro Nashville, though three of the largest RM20 districts are Fisk University, Belmont University, and Centennial Park – none of which are likely to be redeveloped for triplexes and quadplexes. Other than these three examples, RM20 districts are reliably found in the T4 transect area, but mostly scattered.

Beyond RM20, the next option is RM40. This district is much better suited to accommodating a variety of middle-scale housing types, including duplexes, triplexes, quadplexes, cottage courts, townhouses, other plex or manor houses up to 6 units, and low-rise flats up to approximately 12 units. The minimum lot size of 6,000 square feet and maximum height of 45 feet provide reasonable flexibility to accommodate these types of housing. There are even fewer areas of the metro area zoned RM40 and these districts are largely in the wrong location. Though reliably in T4 areas, approximately 0.1% of metro land area is zoned RM40 and zoned areas are mainly found along major corridors rather than adjacent to corridors or within higher-density neighborhoods. RM40 zoning makes up less than 1% of the area inside the Urban Zoning Overlay.

Practically speaking, RM40 represents the most dense residential district available in Metro Nashville. Above RM40, the RM60 district is only mapped in one place – a 1.5 acre site near Fisk University known as The Spruce at Golden Manor (Figure 7). RM80 and RM100 are listed in the code, but not mapped anywhere in Metro Nashville.

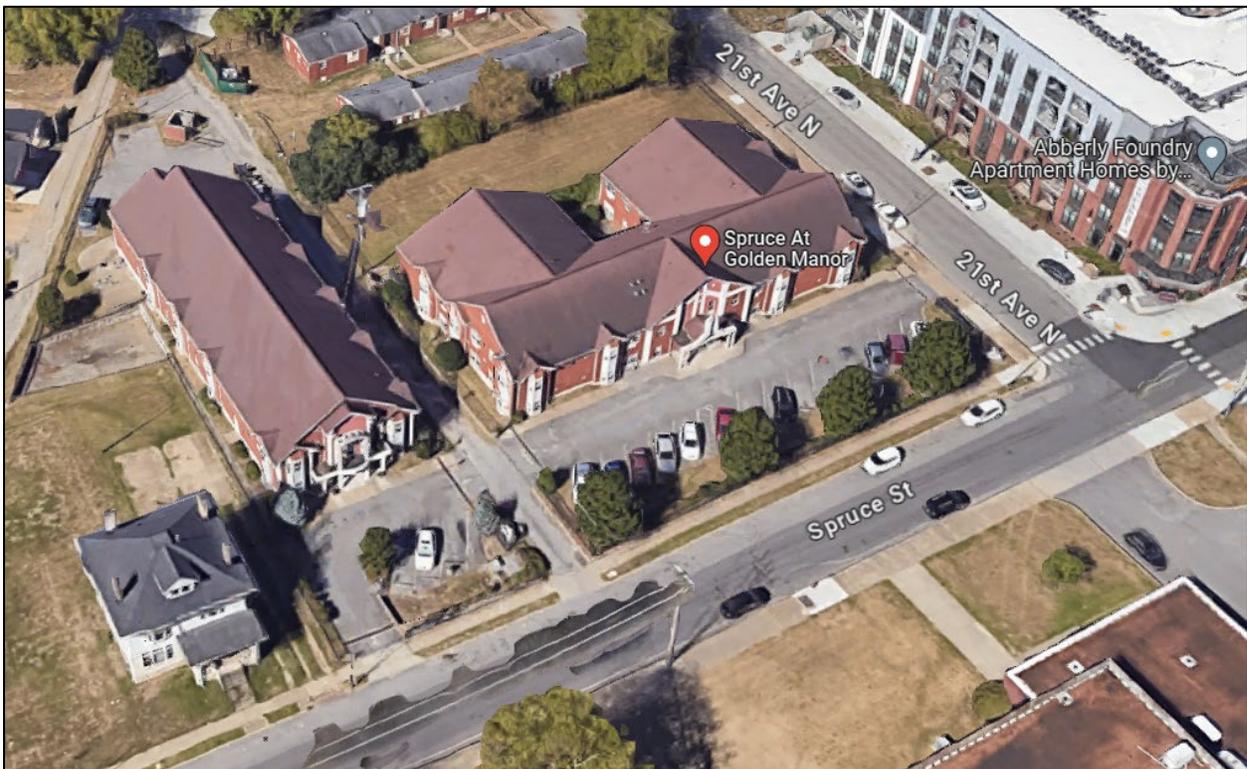


Figure 7. The Spruce at Golden Manor, the only RM60 zone mapped in Metro Nashville.

Additional concerns

A final set of concerns found in the zoning code are parking standards and supplemental development standards for two single family uses treated as multifamily: cottage developments and townhouses.

Much of the concern related to parking has been cleared by the application of the Urban Zoning Overlay (UZO) throughout much of the urban area of Metro Nashville. The UZO removes minimum parking requirements from the mapped area, providing necessary flexibility for middle-scale housing to fit on smaller lots without having to accommodate off-street parking. Outside of the UZO, there is opportunity for minor adjustments to the minimum parking requirements, though this is a low priority concern for most areas. In more urban areas outside of the UZO, expansion of the UZO may be a better option.

Section 17.12.100 of the zoning code allows for single-family cottage developments. These can sometimes be referred to as house courts, cottage courts or bungalow courts, though these developments are not always required to place individual cottages on individual lots as required by Metro Nashville (these may be more commonly known as “pocket neighborhoods”). Regardless of nomenclature, this section of code provides an opportunity to allow an underused middle-scale housing type but could be much improved by addressing a few key constraints, including:

- 1) limiting of the use to multi-family districts and restricting maximum density to that of the base district;
- 2) limiting the maximum building coverage to 1,000 square feet;
- 3) limiting each lot to one dwelling unit; and
- 4) requiring parking requirements to conform to single-family parking requirements outside of the UZO.

A fifth concern comes from the subdivision regulations requiring these developments to take vehicular access from a wide alley (23 feet). Effectively, the code has provided an alternative to conventional single-family development but restricted to multi-family zone districts. As discussed above, these are few and far between and not located in areas where this alternative would make much sense.

Finally, and similarly, the code is vague on how townhouses are classified (single-family or multi-family), but there are two conflicting ideas presented. The definition of single-family in Section 17.04.060 is “one residential dwelling per structure.” Based on this definition, townhouses should be considered single-family uses and allowed in all RS and R zones. This is also consistent with the residential building code, Section R302.2.4, “each individual townhouse shall be structurally independent,” meaning each unit meets the zoning code’s definition of one dwelling per structure. This is also consistent with the Metro Zoning Administrator’s interpretation of the definition. While this may address use, the allowed bulk standards of the RS and R zones would not allow townhouses successfully. Accordingly, the alternative bulk standards allowing for townhouses are found in Section 17.12.110. The intent statement of this section states it is “[i]n order to provide opportunities for individual home ownership in all *zoning districts that permit multi-family uses* [italics added].” Simply orienting this section of the code to treat townhouses as single-family uses would instantly provide opportunities for more housing opportunities in urban areas of Metro Nashville.

Overlays

The majority of barriers found in the zoning code are in the base standards of the code. The next section of the code addressed is the overlay districts, of which there are several. Though few of these districts contain additional barriers, the prolific use of overlay districts to address barriers as a “patch” to otherwise restrictive base zoning regulations is a barrier to enabling middle-scale housing reforms. The historic zoning overlay and contextual overlay represent the former – overlays that contain additional barriers. The DADU overlay and urban design overlays represent the latter – well-intentioned zoning “patches” that obscure foundational barriers in the code.

Historic Zoning Overlay

As a general rule, historic zoning overlays should focus on structural design elements and leave regulations on use to the base code. In many of Metro Nashville’s historic zoning overlays and neighborhood conservation overlays, this is not the case and may be a source of concern for any zoning amendment increasing density in the R districts.

In particular, neighborhood conservation overlays for several districts require that properties zoned for two dwellings – but no more – require the dwellings to be fully attached. While this is more desirable from a design perspective, these guidelines, as written, create confusing standards for DADUs (shall an accessory dwelling unit be attached?) and do not address properties that are zoned for multiple units.

Other guidelines more explicitly state that second dwelling units if detached be treated like DADUs. These guidelines contain detailed zoning requirements specific to DADUs, which for the most part mirror the requirements in the base code. Additional requirements for DADUs in some guidelines restrict DADUs in select historic zoning overlays to lots subdivided before August 1, 1984 – a date found in the base code pertaining to two-family uses.

Contextual Overlay

The Contextual Overlay is less clear in its purpose. This overlay, like many others like it, seems to be targeted in application to select areas. Placed within exclusively single-family districts, this overlay is relatively benign. However, the contextual overlay area near Shelby Bottoms and Shelby Park is applied in R districts. In these areas, the provisions of the contextual overlay may have the effect of preventing two-family uses, specifically the maximum building coverage requirement in 17.36.470C. An alternative to this overlay would be to pull some of the valuable design standards (e.g., street setbacks, access and driveways, garages and parking areas), add these to the base code standards, and dispose of an unnecessary overlay.

DADU Overlay

To this point in the study, much has already been said about the complex web of regulations found in Nashville’s codes regulating the detached accessory dwelling unit. The DADU Overlay is demonstrably well-intentioned. As part of this study, planning staff provided ample history and background information regarding the genesis of the DADU overlay. Clearly, the intent was to solve for the complex

web of regulation to allow DADUs where desired. Presumably, this overlay was meant to be a solution, though its effect is to add yet another layer of regulation to the DADU use.

Only 0.2% of land area in Metro Nashville is under a DADU overlay. Since the overlay was put in place in 2021, only 6 DADUs in the overlay have been permitted as of this writing – 2 in the area north of Cleveland Park in R zones, 3 in the Maxwell Heights DADU Overlay (RS5 zoning), and 1 in the North Nashville DADU Overlay (RS5 zoning). By contrast 42 DADUs have been permitted in the Cleveland Park-McFerrin SP since 2021 as of this writing. This Specific Plan was effective beginning in 2015 to allow for DADUs and represents 0.1% of land area in Metro Nashville. In all, 264 DADUs have been permitted since 2021.

As with previous overlays discussed, a better solution would be pulling any valuable standards from the overlay, applying these to the base code, simplifying, clarifying, and consolidating code standards for DADUs, and then disposing of an unnecessary overlay.

Urban Design Overlays

Last, it is hardly fair to refer to urban design overlays in Nashville’s code as a barrier. These elements are designed to enhance Nashville’s neighborhoods by “emphasiz[ing] sensitivity to the pedestrian environment, minimiz[ing] intrusion of the automobile into the urban setting, and provid[ing] for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of [the code].” Like the DADU Overlay, there is no question that Nashville’s urban design overlays are well-intentioned, and in addition contain well-designed standards for elevating form in select districts. However, any additional layer of regulation must be understood as having the potential to add burden to the applicant who must navigate even more regulation and time to the process of review when additional zoning layers must be consulted to determine by-right status.

Overlays should be reserved for instances and circumstances where select features are enhanced by regulations that go “above and beyond” the base regulations. It should be uncommon for one layer of regulation to take precedence of another layer of regulation within the same code. In these instances, the need for new layers or “patches” to the zoning code suggests the need for fundamental changes to the base regulations. Fortunately, many of the urban design overlays found in Nashville’s code provide a model for better regulation.

Other Codes and Regulations

Metro Nashville’s zoning code is not the only source of barriers to middle-scale housing, though it is the most prominent. Additional barriers can be found in other codes and regulations. Summarized below are issues of note in the subdivision regulations, building and fire codes, and stormwater regulations.

Subdivision Regulations

Standards unique to the subdivision regulations that pose additional barriers to middle-scale housing largely center around required lot widths for infill subdivisions in T3 and T4 areas. Lot width calculations are different for areas in Neighborhood Maintenance and Neighborhood Evolving areas. In Neighborhood Maintenance areas, lot widths are determined using a complex tree of factors in order to assure contextual infill. For Neighborhood Evolving areas, the formula is more straightforward: 50' and 40' minimum width in most contexts in T3 and T4 areas, respectively. In either case the result is similar: setting minimum width standards that encourage larger lots than may be desirable given development context.

Building and Fire Codes

Metro Nashville, as an exempt jurisdiction in Tennessee, is required to follow Tennessee state law and policy guidance of the Tennessee State Fire Marshal in the adoption of building and fire codes for the local jurisdiction. At the time of this writing, Metro Nashville has most recently adopted the 2018 editions of the International Building Code and International Residential Code and 2018 editions of the NFPA Fire and Life Safety Codes. Perhaps the most significant barrier posed by the pure codes (IBC, IRC, and NFPA) is the dividing line between two-family and three-family structures as a trigger for significantly higher degree of regulation and protection standards. Life safety of building occupants should not be negotiable, but the logic behind enforcing different sets of standards based on whether structures contain 2 or 3 units, and irrespective of occupants or building size, is an impediment to the financial viability of middle-scale housing. Within both building and fire codes, the primary barriers to middle-scale housing created by this divide are sprinkler requirements, loading requirements on stairs and other public spaces, means of egress, and plan review and permit requirements. But beyond the building and fire codes, the divide between two-family dwellings and three-family dwellings in the building codes often extends to other processes and regulatory barriers as described in the following sections.

Additional barriers raised relate to the fire codes and standards dealing with access roads, particularly from a set of local amendments to the NFPA related to access. NFPA requires aerial fire apparatus access roads to be a minimum width of 20 feet. However, local amendments to Metro Nashville's fire code extend this to 24 feet, with a minimum setback of 15 feet and maximum setback of 30 feet, where an aerial fire access apparatus is required (for structures over 30 feet). This local amendment also restricts overhead utilities along aerial fire apparatus access roads, effectively capping building height at 30 feet in areas where alternative fire access roads meeting the standards of the fire code are not available. A map of utilities in the Urban Zoning Overlay is shown in Figure 8 on the next page. Given the amount of overhead lines (purple) compared to underground lines (blue) in the UZO, this cap of 30 feet further undermines the ability to build middle-scale housing on infill lots, especially where zoning may allow heights above 30 feet in the district bulk regulations. This requirement is outside of the standards of the NFPA and should be reconsidered locally.

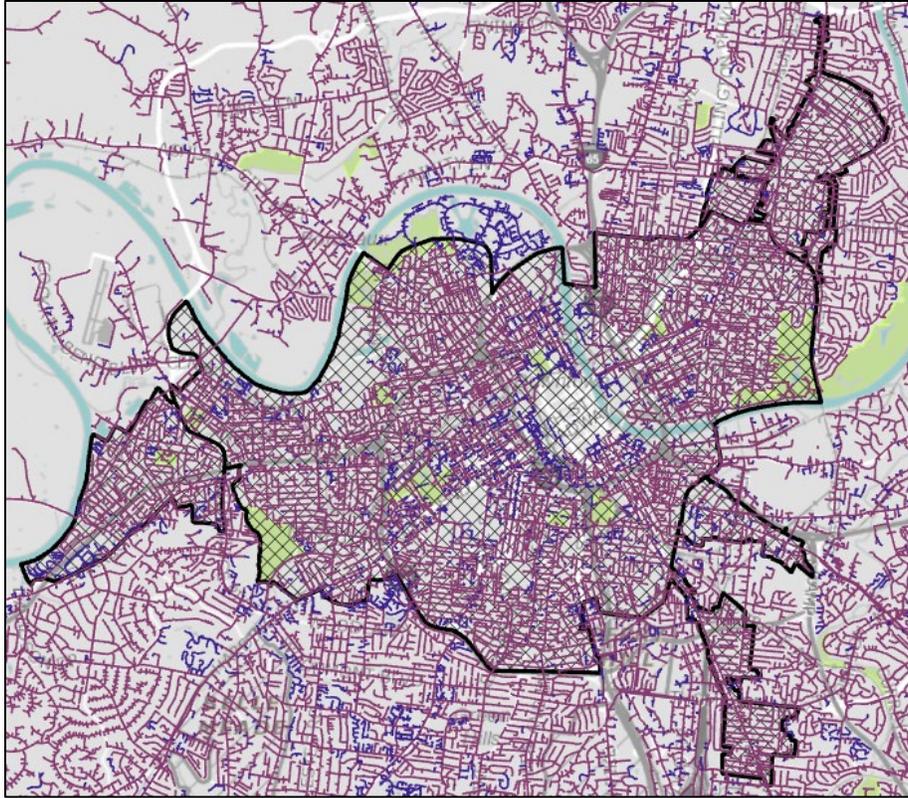


Figure 8. Overhead utilities in the UZO

Stormwater Regulations

Last, stormwater regulations found in Title 15 of Metro Nashville’s code provide a barrier to middle-scale housing, particularly as it is reported to be interpreted by the Stormwater department. Again here, an artificial divide has been set between two-family dwellings and three-family dwellings. In most cases, single-family and two-family dwellings are exempt from grading, drainage, and erosion control plan review and requirements. Once a third dwelling unit is added, the project is subject to these requirements if the project “disturbs [more] than 10,000 square feet of area.” According to developers interviewed for this study, the Stormwater department has also construed this to require grading, drainage, and erosion control plan review and requirements on any residential project of more than two units. This divide is based on dwelling units, irrespective of building size or lot size. Adding grading, drainage, and erosion control plan review and requirements – especially when they are unwarranted or outside of the reach of the law – adds significant cost and time to a middle-scale housing project that may not be able to afford such additional expenses.

Opportunities

Considering the barriers noted in the previous section, it is important to recognize that not all middle-scale housing types are suitable for all areas of the city. Whether due to infrastructure demands, changes to neighborhood character, or phasing and timing of development to meet planning goals, changes to policies to enable middle-scale housing should be done strategically. The opportunities noted below give the city direction on where, how, and when this should occur.

There are two main areas of focus Metro Nashville should consider regarding the siting of middle-scale housing development – transitioning from centers and corridors and interior to neighborhoods. To guide recommendations, the three opportunities noted below provide considerations for Metro Nashville to tie changes to its general plan, through the recommendations of the Community Character Manual, its zoning code, through the Urban Zoning Overlay, and its infrastructure planning, through Metro’s transit plan.

Community Character Manual

One of the clearest expressions of how and where Nashville finds middle-scale housing to fit within the development landscape is in its Community Character Manual. In particular, the tables on pages III-CCM-38 and III-CCM-39 of the Community Character Manual indicate the types of housing suitable for each of the transect and character areas. A portion of this table is shown below for illustration.

Transect	Policy	House	Detached Accessory Unit	Plex House	House Court	Low-Rise Townhouse	Manor House	Courtyard Flat
T3	T3 NM	■	■	■		■	■	■
	T3 NE	■	■	■	■	■	■	■
	T3 NC					■	■	■
	T3 CC					■	■	■
	T3 RC	■	■	■	■	■	■	■
	T3 CM					■	■	■
Transect	Policy	House	Detached Accessory Unit	Plex House	House Court	Low-Rise Townhouse	Manor House	Courtyard Flat
T4	T4 NM	■	■	■	■	■	■	■
	T4 NE	■	■	■	■	■	■	■
	T4 MU	■	■	■	■	■	■	■
	T4 NC					■	■	■
	T4 CC					■		■
	T4 RC	■	■	■	■	■	■	■
T4 CM						■	■	

Figure 9. Chart of compatible housing types from Community Character Manual

Though some language within the Community Character Manual could be interpreted to limit middle-scale housing development, particularly in the neighborhood maintenance areas and compatible zoning districts, the foundation is set in the plan to make the case for how and where middle-scale housing should expand.

Urban Zoning Overlay

Based on the tables above from the Community Character Manual, the plan makes clear middle-scale housing is suitable within T4 neighborhood areas. Without citywide rezoning to align the zoning map with the general plan, one option that can be pursued is revisiting the Urban Zoning Overlay (UZO), a zoning overlay district of similar alignment to T4 boundaries. The map below illustrates this. The hatched area is the UZO, coinciding with mostly T4 area in purple.

Within the zoning code, the UZO contains standards that encourage or enforce a more urban, dense, and walkable pattern of development. Modifying standards within and through the UZO also allow for a simpler path to more holistic change in urban neighborhoods and corridors. The avenue was used recently by Metro Nashville to eliminate minimum parking requirements in urban neighborhoods and corridors.

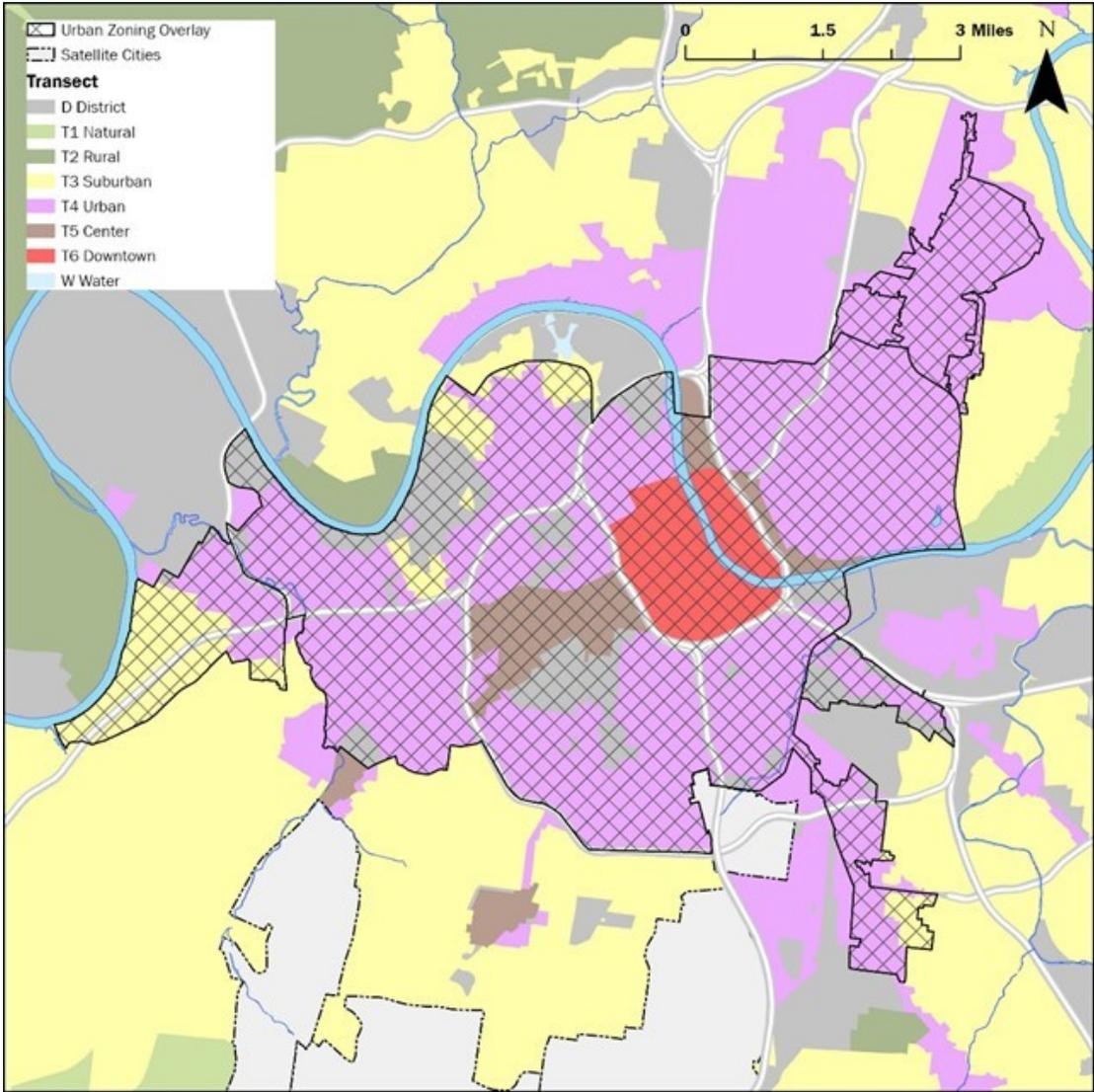


Figure 10. UZO boundary compared with transect areas

nMotion Transit Plan

The NashvilleNext general plan seeks to link development of new housing with a system of high capacity transit along key corridors through urban and suburban centers and neighborhoods. To support this level of transit infrastructure, greater density along transit corridors is necessary, not only along the corridor but within walking distance of transit stops. In cooperation with NashvilleNext, the city developed the nMotion Transit Plan, identifying key corridors for higher frequency transit. While investment in higher capacity transit has not yet materialized, the need has only grown in the period since the adoption of the plan due to the population and housing growth experienced throughout Metro Nashville. As of this writing, Nashville's mayor Freddie O'Connell has made transit a priority and considerations are being made to advance a transit funding referendum that could advance many of the higher capacity transit proposals along the lines of what is recommended by nMotion.

In communities like Nashville where higher capacity transit is planned to be added to already auto-centric corridors, higher densities will be necessary to help drive necessary demand to support transit services. This demand comes from walkable density surrounding transit corridors and stops. While this demand should in great measure be filled by high density development along the corridors, middle-scale housing plays a key role between high density development corridors and lower density neighborhoods. This role is not only to support walkable, complete communities around transit, but to transition the scale of development.

Key routes identified in the plan for rapid transit expansion are:

- Dickerson Pike
- Charlotte Pike
- Gallatin Pike
- Murfreesboro Pike
- West End
- Hillsboro Pike
- Nolensville Pike

These frequent routes are shown on the map on the following page, along with population density. Metro Nashville last tried advancing the recommendations of the nMotion plan through a transit referendum under a previous mayor. While the effort was unsuccessful, the need for more frequent transit along these corridors represents an opportunity to direct middle-scale housing development to support this critical infrastructure.

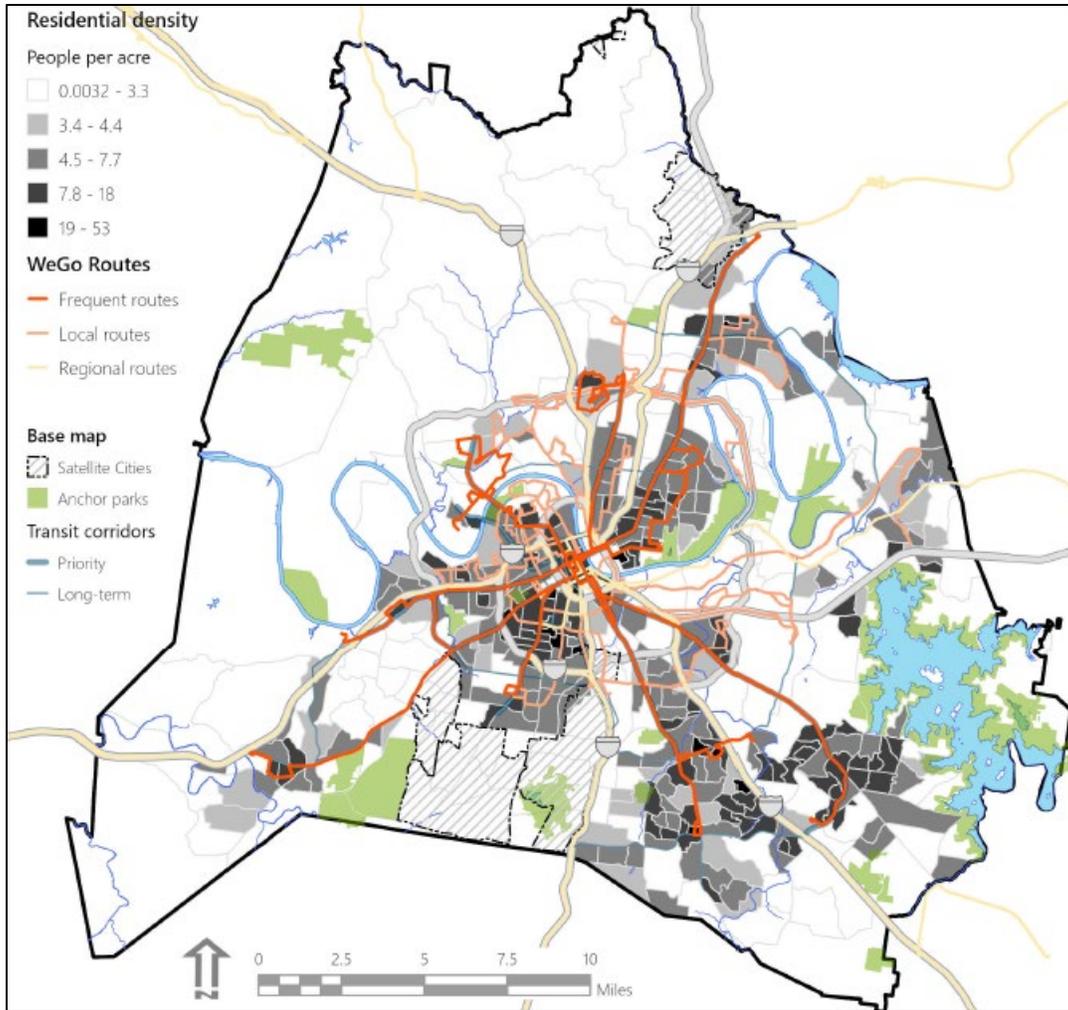


Figure 11. WeGo Transit Routes and Population Density (Source: Metro Nashville Planning Department)

Considerations

As noted above, there are two main areas of focus Metro Nashville should consider regarding the siting of middle-scale housing development – transitioning from centers and corridors and interior to neighborhoods. Though the Community Character Manual illustrates compatibility of certain middle-scale housing types in both the T4 and T3 areas of Metro Nashville, its broad application interior to these types of neighborhoods through regulatory changes presents challenges related to infrastructure availability and timing of improvements necessary to support scale of development, walkability, and access to transit, among other factors.

The considerations below are organized by middle-scale housing type first, followed by general considerations for each area of policy or regulation affecting middle-scale housing, as described in the section on Barriers. For most, but not all housing types, options are provided to give Metro Nashville considerations for incremental change based on infrastructure availability and level of support. Among these options, consideration is first given to situating middle-scale housing near centers and corridors, particularly where higher frequency transit may come available, before considering wholesale changes to neighborhoods.

Detached Accessory Dwelling Unit (DADU)

1.1 Remove the restrictive elements of the DADU definition and lower the minimum lot size where DADUs are allowed. The proposed changes would open up the types of lots where DADUs are allowed including the size of lots. The amended definition would also permit a DADU as an accessory to a two-family structure.

[17.04.060B]"Accessory dwelling, detached," also referred to as detached accessory dwelling, means a detached dwelling unit separate from the principal single- ~~or two-family~~ structure ~~on a lot located within a historic overlay district, within any urban design overlay with development standards for detached accessory dwellings, on any lot with an improved alley abutting the rear or side property line or~~ on any lot over ~~fifteen~~ ~~six~~ thousand square feet. 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.

1.2. Remove restrictive conditions from the land use development standards governing DADUs. The proposed changes would set the minimum required lot area at 6,000 square feet and increase the maximum living area of the DADU to 1,200 square feet. Maximum building footprint would be removed. The following considerations also remove owner occupancy requirements and would permit one DADU for each principal structure where two detached single family units are allowed on a single lot.

[17.16.030G]G. 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. While the following conditions listed below apply to a detached accessory dwelling they do not counter-act or over-ride the applicable life safety standards found in the code editions adopted by the Metropolitan Government of Nashville.
 - b. No accessory structure shall exceed two hundred square feet when there is a detached accessory dwelling on the lot.
- 2. Lot Area. The lot area on which the detached accessory dwelling is to be placed shall **comply with Table 17.12.020A be a minimum of 6,000 square feet.**
- 3. Ownership.
 - a. No more than one detached accessory dwelling **for each principal structure** 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.~~
- 4. Setbacks. The setbacks for a detached accessory dwelling shall meet the setbacks found in Section 17.12.040.E. for accessory buildings.
- 5. Site Requirements. A detached accessory dwelling may only be located behind the principal structure.
- 6. Driveway Access.
 - a. On lots with no alley access, the lot shall have no more than one curb-cut from any public street for driveway access to the principal structure as well as the detached accessory dwelling.
 - b. On lots with alley access, any additional access shall be from the alley and no new curb cuts shall be provided from public streets.
 - c. Parking accessed from any public street shall be limited to one driveway for the lot with a maximum width of twelve feet.
- 7. Bulk and Massing.
 - a. The living space of a detached accessory dwelling shall not exceed ~~seven~~ **twelve** hundred square feet.
 - ~~b. On lots less than ten thousand square feet, the footprint of a detached accessory dwelling shall not exceed seven hundred fifty square feet~~
 - ~~c. On lots ten thousand square feet or greater, the footprint of a detached accessory dwelling shall not exceed one thousand square feet.~~
 - ~~db.~~ 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 ten feet for single-story and seventeen feet for two-story detached accessory dwellings.
 - ~~ec.~~ The roof ridge line of the detached accessory dwelling must be less than the primary structure and shall not exceed twenty-seven feet in height.
- 8. Design Standards.
 - a. 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.
 - b. 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 roof slope by covering no more than fifty percent of the roof.

c. Detached accessory dwellings may have dormers that are setback a minimum of two feet from the exterior wall.

9. Historic Properties.

a. 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.

b. Detached accessory dwellings with a second story dwelling unit shall enclose the stairs interior to the structure and properly fire rate them per the applicable life safety standards found in the code editions adopted by the Metropolitan Government of Nashville.

~~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.~~

1.3. Allow DADUs as a conditionally permitted use in any residential zoning district.

[17.08.030]

Key: P-Permitted PC-Permitted w/conditions* SE-Special exception* A-Accessory* O-Overlay * Refer to Chapter 17.16 for standards	AG and AR2a	RS80 through RS3.75-A
Accessory dwelling, detached	PC	PC

1.4. Maintain existing limitations on Short Term Rental Units in order to curb use of DADUs for short term rental.

1.5. Remove language from historic preservation overlays that may be redundant to base code standards. Leave only design criteria that is unique to the historic preservation overlays.

1.6. Eliminate the DADU Overlay and Cleveland McFerrin Park Specific Plan.

1.7. Consider providing administrative flexibility to the Zoning Administrator to permit deviations on any measurable standard (such as minimum lot size or maximum living area) of up to 10%.

1.8. Engage the Fire Department in finding an administrative solution to the NFPA provision requiring a fire access road within 50 feet of any exterior door to a building as it pertains to DADUs.

1.9. Update Table 17.20.030 to no longer require an additional off-street parking space for an accessory unit outside of the Urban Zoning Overlay (UZO).

1.10. Clarify Section 17.12.050 to indicate that subject standards governing lot coverage of accessory structures does not apply to DADUs.

[17.12.050A] “On all lots with a size of less than forty thousand square feet, the building coverage of ~~an~~ **any** accessory structure **other than a detached accessory dwelling unit (DADU)** located to the rear of the principal dwelling and complying with the district setbacks shall be limited to seven hundred square feet or fifty percent of the building coverage of the principal dwelling, whichever is greater, but in no case shall exceed two-thousand five-hundred square feet.”

Two-family housing (attached and detached)

2.1. Remove restrictive conditions from the land use development standards governing two-family uses by deleting 17.16.030(D) in its entirety.

2.2. Update the use chart in 17.08.030 to allow two-family uses as permitted by right in the AG and AR2a and R80 through R6-A zoning districts.

2.3. Pursuant to the amended definition for DADUs, allow lots with two-family dwellings to build accessory dwelling units.

2.4. Where a lot allows two detached single units, allow one DADU for each principal structure pursuant to the amended language in Item 1.2.

2.5. Allow minimum lot size to be reduced administratively in all R districts by up to 20% where stacked duplexes are proposed.

2.6. Increase maximum building coverage in Table 17.12.020A in the R8 and RS7.5 districts to 0.50 and R6 and RS5 districts to 0.60.

2.7. Consolidate R districts to fewer districts and drop the minimum lot size to 3,750 square feet to correspond with the RS districts.

2.8. If R districts cannot be consolidated, create an R5 and an R3.75 to provide options for duplexes on smaller lots. In these districts, allow for 0 foot setbacks where duplexes attach by a common fire wall to form a “double duplex” or “demiquad.”

2.7. If the Contextual Infill Overlay cannot be deleted, remove 17.36.470C on Maximum Building Coverage and allow the base district standards to apply (as amended by Item 2.6 above).

Townhouses

For the purposes of the considerations below, townhouses are considered as 3 or more attached single family row house structures, with each unit on its own lot. As mentioned previously, it is confirmed by the Metro Zoning Administrator that townhouses are considered single-family uses when each unit is on its own lot.

3.1. By amending Section 17.12.110 as follows, single-family attached townhouses are instantly available across all RS and R districts, and two-family attached townhouses allowed in R districts, in addition to RM.

17.12.110 - Alternative minimum lot size and setbacks for attached housing.

In order to provide opportunities for individual home ownership in all **residential** zoning districts **and all other districts** that permit multi-family uses (except in the DTC zoning district), lots in attached housing developments of at least three units, **but no more than eight units**, may be arranged subject to all of the following:

~~A. Density. The attached housing shall be developed at a density consistent with the density requirements of the base zone district.~~

~~BA. Bulk Standards. The following bulk standards shall apply:~~

~~1. The attached housing shall be developed at a Floor Area Ratio (FAR) consistent with the FAR of the base zone district.~~

~~21. Only one No more than two dwelling units per lot shall be permitted.~~

~~32. The attached housing shall meet the standards contained in Table 17.12.020.B.1A.~~

~~43. The minimum street setback shall be three feet from the right-of-way line but shall not vary by more than 20 percent from the standards set in Section 17.12.030.C(3).~~

C. Parking Requirements. The requirements for the provision of parking for attached housing shall be as follows:

1. Parking shall meet the requirements for multi-family residential units established in Table 17.20.030.

2. Parking shall be accessed by a side or rear alley or a side or rear private driveway and shall not be visible from the street. Parking shall be screened from adjacent residential uses by landscaping or architectural screening as specified in Section 17.24.150.B.

3. The zoning administrator may approve other methods for the provision of parking provided the intent of this section is met.

House Courts

For the purposes of the considerations below, house courts are considered multiple, detached single-family structures organized around a common court or open space. Where these structures occupy separate lots, they should be allowed by right in any residential district. Only where these structures occupy one lot should the code treat these as multi-family uses. Both arrangements are common forms of house courts. Where units are organized onto individual lots, these are more commonly referred to as “pocket neighborhoods” whereas cottage units on the same lot are commonly referred to as “cottage courts”. The former is a style of residential subdivision, whereas the latter is a style of multifamily development. The revisions below are intended to address both scenarios.

4.1. By amending Section 17.12.100 as follows, the pocket neighborhood variety of the single-family cottage developments is instantly available across all RS and R districts, in addition to RM. These amendments also now contemplate the existence of a cottage court as defined in the paragraph above and allow them in RM districts.

17.12.100 - Single-family cottage developments.

In order to provide opportunities for ~~individual ownership of small residential lots~~ single-family housing oriented onto a common open space, lots in cottage subdivisions shall be arranged subject to the following:

- A. Applicability. Single-family cottage developments are permitted in all zoning districts that permit ~~multi-family residential~~ uses, subject to provisions below; see Chapter 17.37 for applicability in the DTC zoning district.
- B. Density. The following standards shall apply:
 - 1. Where single-family cottages are oriented onto a common open space on one lot, single-family cottage ~~subdivisions developments~~ shall be developed at a density consistent with the density requirements of the base zone district. ~~Each individual single-family cottage development within a subdivision~~ A single-family cottage development on one lot shall contain four to ten cottage units ~~in small lots~~ around a common open space.
 - 2. Where single-family cottages are subdivided into separate lots and oriented around a common open space, no maximum density requirements shall apply.
- C. Orientation. Cottage units shall be oriented to front, and have a main entry onto, the common open space. However, cottage lots abutting a street may front the street, but shall not have the rear of the unit facing the street. Cottage units fronting the street shall have a secondary entrance onto the common open space.
- D. Bulk Standards. The following bulk standards shall apply:
 - 1. Minimum lot sizes shall be waived. See Table 17.12.020.A for other standards where individual lots are created; see Table 17.020.B.1 for other standards where cottage developments occupy one lot.
 - 2. The common open space shall total at least 250 square feet per cottage unit, and shall have cottages abutting on at least two sides.

3. The common open space shall be accessible to all cottage units in the development.

~~4. Only one dwelling unit per lot shall be permitted.~~

~~54.~~ The maximum building coverage per unit, excluding covered porches, shall be 1,000 square feet.

~~65.~~ The maximum height of a cottage shall be two stories.

~~76.~~ Front, rear and side setbacks from the property lines shall be a minimum of three feet.

~~87.~~ Cottage units abutting a public street shall meet the requirements of Table 17.12.030.A. Notwithstanding the base zoning district, cottage units abutting a public street within the UZO shall be subject to the contextual street setbacks specified in Section 17.12.035.

~~98.~~ Where a proposed development cannot comply with the standards of this section, the zoning administrator may approve other standards provided that the intent of this section is met.

E. Parking Requirements. The requirements for the provision of parking for single-family cottage developments shall be as follows:

1. Parking shall be located on the cottage development property.

2. Parking shall meet the requirement for single-family residential units established in Table 17.20.030.

3. Parking shall be provided on each cottage lot, or in the form of shared parking cluster(s) in commonly owned space, or a combination of the two.

4. Parking clusters shall be no more than six adjoining spaces and shall not be visible from a public street. Parking shall be screened from adjacent residential uses by landscaping or architectural screening as specified in Section 17.24.150.B.

5. Parking shall not be permitted in an established front yard setback or required common open space.

6. Parking may be permitted between, or to the side of structures, only when it is setback a minimum of ten feet from the leading edge of the front facade of a cottage unit and is accessed by a side or rear alley, or a side or rear private driveway.

7. The zoning administrator may approve other methods for the provision of parking provided the intent of this section is met.

Plex Houses and Manor Houses

For the purposes of this section, plex houses of 3-4 units or manor houses of 3-6 units may be used interchangeably. It is recognized that grouping 3-4 unit dwellings may be more expedient than including these with 5-6 units dwellings. Should Metro Nashville find 5-6 unit dwellings too large for

considerations included in this section, 5-6 unit buildings could fit better in the next section on low-rise flats (generally 7-20 units).

Allowing more opportunities for these buildings – 3 to 4 unit dwellings especially – would allow Metro Nashville to make significant strides allowing middle-scale housing developments. The main question is where. Generally, increasing density by allowing more plex houses and manor houses should follow availability of infrastructure, particularly transit, sidewalks, and underground utilities to remove issues related to building heights. Where considerations are tailored to place-based solutions, a preference for transit-oriented development is articulated. Any focus along transit corridors should also be coupled with investment in other infrastructure such as sidewalks and undergrounding of overhead electrical utilities.

5.1. Option 1: allow the R zones to fully expand to allow the “plex house” as it is contemplated by the Community Character Manual (2-4 units). In order to accomplish this, definitions, use tables, and bulk standards would need to be adjusted to accommodate the transition of the “two-family” use to the “two-to-four family” use. *Note: if this option is selected, this essentially invalidates the need for RM2-15 (or even up to RM20) zoning. More on this in Items 6.1 and 7.5.*

5.2. Option 2: follow the considerations of Option 1 but only for the R zones in the Urban Zoning Overlay.

5.3. Option 3: follow the considerations of Option 1 but only within 1,320 feet of a designated high frequency transit corridor. This could be achieved through the Urban Zoning Overlay or through a new, separate Transit Oriented Overlay.

5.4. Amend the Urban Zoning Overlay to coincide with all areas categorized as T4 on the transect map.

5.5. Review all historic zoning regulations and remove any standards governing use or that could be interpreted to give the Historic Zoning Commission authority over questions of use.

5.6. Metro Planning should begin to work with Metro Codes to research movement of 3-family and 4-family dwellings to the International Residential Code with removal of mandatory sprinkler and modification of stair loading requirements. As of this writing, a pending bill with the Tennessee state legislature would allow local jurisdictions to make these changes, if approved.

5.7. Metro Planning should also work with the Zoning Administrator and Codes to set clear policy on which 3-family and 4-family projects get forwarded to other departments for review, particularly stormwater, to prevent unnecessary reviews and added time through the permitting process.

5.8. Additionally Metro Planning should seek legislation to update Chapter 15.64 of the code of ordinances to update the definition of “residential” to remove explicit references to single-family and two-family where applicable. Pursuant to changes considered in Item 5.5, redefining 3-family and 4-family dwellings as residential uses (as opposed to commercial uses) would allow these uses to circumvent stormwater review.

5.9. Metro Planning should seek legislation from the Metro Council to add any project involving 3-family dwellings or 4-family dwellings to the list of projects entitled to expedited permitting review, regardless of whether the project intends to meet affordability standards.

5.10. Metro Planning should work with the Metro Fire Department to determine whether local amendments related to fire access roads can be removed in favor of the pure code, especially seeking to remove the local amendment pertaining to overhead utility lines.

Low-Rise (or Courtyard) Flats

The intent of this section is to better enable small-scale multifamily generally between 5-20 units. As mentioned previously there are few places, if any, where these buildings are allowed by-right in the urban context of Metro Nashville. There is a desire to see more; the question is where.

Generally, increasing density by allowing more low-rise flats should follow availability of infrastructure, particularly transit, sidewalks, and underground utilities to remove issues related to building heights. Where considerations are tailored to place-based solutions, a preference for transit-oriented development is articulated. Any focus along transit corridors should also be coupled with investment in other infrastructure such as sidewalks and undergrounding of overhead electrical utilities.

6.1. Option 1: Rewrite RM standards to increase maximum density allowed by district or remove maximum density in multifamily districts. The latter option would likely be best accomplished by developing new multifamily district standards and preparing a conversion chart from today's RM districts to the new districts proposed. The intent would be to allow a range of multifamily buildings that fit the urban context by right. This proposal may be more suitable for a more comprehensive update of the zoning code and could be accompanied by a consolidation of RS districts and R districts, as well.

6.2. Option 2: Similar to the example from Spokane, Washington (see page 37), consider removing maximum density requirements for sites under 2 acres in the RM districts and allow the remaining district bulk regulations of the districts to govern.

6.3. Option 3: Allow within 1,320 feet of a designated high frequency transit corridor anywhere in the Urban Zoning Overlay. This would permit transit-oriented development along key high-capacity corridors to better support transit, but in a targeted way. This could be achieved through the Urban Zoning Overlay or through a new, separate Transit Oriented Overlay.

6.4. Similar to Item 5.10 above, Metro Planning should work with the Fire Department and Nashville Electric to consider modifications to local amendments to the fire code to allow greater heights along fire access roads with overhead utilities.

6.5. If necessary, Metro Planning should consider where overhead utilities should be buried to enable greater building heights, such as all centers and corridors identified on the Growth and Preservation Map plus within 1,320 feet of high frequency transit corridors.

6.6. Metro Planning should work with the Metro Codes department to consider building code updates that could help ease the cost of developing 5-20 unit buildings, such as single-stair (“point access block”) code revisions and allowing 13D sprinkler installations instead of commercial sprinkler systems. For examples of these policies, respectively, the city of Seattle, WA has adopted a replicable standard for point access blocks and the State of Wisconsin allows 13D sprinklers in residential buildings up to 20 units.

Other General Considerations

This final section is not tied to any one particular housing type, but come from general observations made during the process of conducting this study.

7.1. As of this writing, the NashvilleNext general plan is nearly ten years old and approaching the need for update. Growth patterns have outpaced the plan’s original expectations, and the plan has not been used to steer infrastructure investments in critical locations or citywide zoning reform. Both outcomes are necessary for more predictable, targeted growth that meets Nashville’s growing housing needs. However, to achieve these outcomes, the plan should be oriented toward implementation through these means. This should be the focus of the NashvilleNext ten-year update.

Example City: Minneapolis, MN

In December 2018, Minneapolis approved its most recent comprehensive plan update, known as the 2040 Comprehensive Plan. Unlike Tennessee, the State of Minnesota requires municipalities to update their comprehensive plans consistent with the adopted regional plan. This is typically done every 10 years. An update schedule of every 10 years is considered best practice for comprehensive planning and should be considered by Metro Nashville for its own comprehensive plan, particularly in light of the level of growth experienced since the adoption of NashvilleNext. The Minneapolis 2040 Comprehensive Plan is perhaps best known for its recommendation to eliminate single family only zoning by allowing two- and three-family dwellings in all zoning districts previously zoned exclusively for single family. Beyond this, the plan also promoted other sound planning concepts for a growing city, including increased density and height allowances, promotion of affordable housing, transit-oriented development, and mixed use development.

The move to eliminate single-family zoning and promote more middle-scale housing options was made to address issues of housing affordability and inequality and to meet the evolving housing needs of the city's population. In Nashville, each of these issues present growing challenges for the city, but it should be noted that the land area of Minneapolis is a fraction of the size of Nashville and Nashville’s metropolitan government structure means there are suburban and rural areas of Davidson County that may not be suitable for such an aggressive measure. Regardless, the lesson from Minneapolis is such monumental changes should be developed as part of the comprehensive plan or plan update to ensure alignment with the city’s plan of growth and provision of necessary infrastructure.

7.2. Middle-scale housing is addressed in a variety of disconnected ways in NashvilleNext. Conducting a ten-year update oriented toward citywide rezoning and infrastructure investment should elevate middle-scale housing development as a key theme in the plan's housing element so that zoning and infrastructure are set in place to further support middle-scale housing beyond the considerations contained in this study.

7.3. As a part of a ten-year update, the Community Character Manual should better translate to recommendations around future land use. The Community Character Manual's policies are largely unaddressed in this study since, outside of the subdivision regulations, these policies are not a barrier in and of themselves. The Community Character Manual does play an important role in NashvilleNext in articulating desired development character and zoning compatibility. As Metro Planning approaches a ten-year update of NashvilleNext and a citywide rezoning, it will be important to rethink how the policies of the Community Character Manual are shaping regulatory changes that are implemented as a result of the plan update.

Example City: Charlotte, NC

In 2021, Charlotte adopted a new comprehensive plan, Charlotte Future 2040. The following year, the city adopted a new Unified Development Ordinance (UDO) that combined rules of development from the city's zoning ordinance, subdivision ordinance, tree ordinance, streets and sidewalks regulations, floodplain regulations, soil erosion and sedimentation control regulations, post-construction stormwater regulations, and driveway and access standards.

Similar to Nashville, Charlotte has seen significant growth over the last two decades as one of the centers of population change in the U.S. Southeast Region. In the 2000 U.S. Census count, Charlotte's population was 540,828, growing 35% to 731,424 by 2010, and growing another 20% to 874,579 by 2020. Charlotte's physical footprint covers a large land area of over 300 square miles, though considerably smaller than Nashville-Davidson County's 504 square miles of land area.

To accommodate growth pressures, Charlotte took the strategic approach in its comprehensive plan to incorporate middle-scale housing into its recommendations for how neighborhoods grow. Through a series of land use typologies, mapped across the city into a future land use pattern (styled a "Policy Map"), Charlotte effectively signaled not only where middle-scale housing was suitable, but where rules of development would be changed through its companion UDO to accommodate new housing types.

While the Charlotte model requires significant concentrated work in planning and code reconstruction happening concurrently, their example provides a template for how a growing (Southern) city can take control of managing its growth and advancing middle-scale housing.

7.4. At many points during this study, the scope of the project could just as easily have slipped into a comprehensive audit of the zoning code and its deficiencies for enabling development by-right. Too much of the development Nashville needs to meet growing population and housing demands must follow a discretionary development process, usually through the Specific Plan, PUD, or rezoning. Metro Planning should consider commissioning an audit of the zoning code to determine the full range of barriers needed to address implementation of NashvilleNext.

7.5. This audit should include consolidation of zoning districts into a smaller set of districts. Not including Specific Plans and the Downtown Code, there are 112 separate zoning districts in Nashville's zoning code and nearly half of these (53) are residential districts. Furthermore, there are over a dozen overlay districts, many of which are sparingly mapped. It may be worthwhile for Metro Planning to consider whether this degree of variation in the zoning code is necessary.

A critical piece of this would be to include Item 6.1, rewriting the RM standards to increase maximum density allowed by district or remove maximum density in multifamily districts. As previously mentioned, the latter option would likely be best accomplished by developing new multifamily district standards and preparing a conversion chart from today's RM districts to the new districts proposed if the proposed changes are done outside of a comprehensive code change. Undertaking a comprehensive code change, such as a Unified Development Ordinance discussed in the Charlotte example would be an ideal time to accomplish removal of maximum density requirements from the code along with consolidation of districts.

Example City: Spokane, WA

Though the city's population is one-third of Nashville's, Spokane's population density is more than double that of Nashville. Earlier this year, the city of Spokane adopted a package of zoning amendments aimed at creating more opportunities for middle-scale housing in their residential districts. Among the key changes, Spokane removed maximum density requirements on sites of under 2 acres and set form controls including maximum total building coverage, maximum building footprint, and maximum building height. Floor area ratio standards also no longer apply. The city also added lot coverage bonuses for sites located within a half-mile of a major transit stop or a half-mile of a "Centers and Corridors" area. Also worth noting is Spokane's zoning code only includes four residential districts.

7.6. Beyond zoning, there are a number of other regulations related to development outside of Metro Planning's authority. Many communities have gone toward a unified development code that combines zoning, subdivision regulations, and public improvement regulations (such as sidewalk, roads, stormwater, sewer, and streetscape). Metro Nashville should consider this as an option for reforming its regulatory environment for development. See the example from Charlotte, NC on page 36.

7.7. Whatever the direction, development regulations must be followed as written and not administratively made to be more onerous or stringent. Staff and developers who participated in focus

groups highlighted examples of this from stormwater and water. While these agencies were not interviewed as a part of this study, and statements could not be confirmed, numerous anecdotes were shared regarding extra requirements placed on middle-scale housing projects by these departments through the permitting process. While these processes are outside Metro Planning's control, Planning should work with these departments to make sure middle-scale housing developments are handled within codes and reason. One opportunity to support middle-scale housing across departments is for Metro Planning to commission pre-approved plans for multiple housing types that get pre-reviewed and pre-approved or conditionally approved by all permitting agencies.

7.8. As of the time of this writing, the Housing division of Metro Nashville Planning Department is undertaking a "unified housing plan" to address housing supply issues in Nashville from multiple angles, including middle-scale housing policy development, an affordable housing accelerator program, faith-based housing development, and an affordable housing finance program that leverages the city's Barnes Housing Trust Fund. The Housing division's direction on this unified housing plan places the city in a good position to best deploy incentives and funds to support middle-scale housing as long as the regulatory barriers addressed in this memo are tackled first. Many of the regulatory hurdles noted add costs to projects that could otherwise be avoided. Based on research and conversations conducted for this study, following considerations of regulatory reform and strategic investment in infrastructure to support middle-scale housing are two significant ways Metro Nashville can incentivize middle-scale housing supply and help multiply the impact of monetary incentives.

Conclusion

Among Metro Nashville's regulatory environment there are numerous opportunities to roll back restrictions to allow more variety of housing. This memo includes findings from a variety of codes and standards but finds that the zoning code provides the most opportunity for reform to begin to enable middle-scale housing to be built in Metro Nashville. Though it is a critical first step, updating the zoning code should only be the start. Barriers in the fire codes, building codes, and stormwater regulations can be just as vexing, particularly for developers trying to finance a project.

During the course of research for this memo, concerns for lack of infrastructure to support higher density housing in neighborhoods, particularly transit and sidewalks came up often. These concerns coupled with infrastructure challenges that constrain development, such as availability of water infrastructure and presence of overhead utilities, should be considered before making sweeping regulatory changes. Place-based approaches to regulatory changes may be more appropriate where infrastructure is more available or planned. An example of this is tailoring regulatory changes to coincide with investment in new higher frequency transit to ensure mutual benefit of reliable transit services connecting higher density neighborhoods.

In addition to providing guidance and ideas on targeted and sweeping changes, this memo also provides other considerations for Nashville to consider comprehensively addressing conflicts between housing growth and infrastructure availability, plan goals and the regulatory environment, and zoning and other development regulations.