

SECOND SUBSTITUTE ORDINANCE NO. BL2021-621

An ordinance amending Sections 17.40.720 and 17.40.730 of the Metropolitan Code, Zoning Regulations, to require additional public notice regarding applications for permits from the Historic Zoning Commission (Proposal No. 2021Z-003TX-001).

BE IT ENACTED BY THE METROPOLITAN COUNCIL OF NASHVILLE & DAVIDSON COUNTY:

Section 1. That Section 17.40.720 of the Metropolitan Code is hereby amended by adding the following new subsection D.:

D. Historic Zoning Commission Preservation Permits. No action shall be taken by the historic zoning commission on a preservation permit application under Section 17.40.420 that involves but not limited to demolition without immediate life or safety concerns, alterations, additions, or removals that are substantial, or do not meet the design guidelines, are of a precedent-setting nature, or involve a change in the appearance of a structure or site, and are more substantial in nature than routine maintenance or minor work projects such as new primary or outbuilding construction, expansion of a building footprint, or significant changes in features but shall not include routine maintenance which includes repair or replacement unless there is no change in the design, materials, or general appearance of elements of the structure or grounds unless, at least eleven days prior to consideration of the application by the commission, the permit applicant provides written notice by U.S. Mail of the date, time, and place of the commission meeting to all property owners adjacent to within two hundred and fifty feet of the subject property. The applicant shall be responsible for the costs associated with the preparation of the written notices and shall be responsible for the mailing of such written notices.

Section 2. That Section 17.40.730 of the Metropolitan Code is hereby amended by deleting the first paragraph and replacing it with the following:

Public notice signs shall be posted in accordance with the following provisions on any property subject to council consideration of an amendment to the official zoning map, or to the consideration of a variance, hillside exception or a special exception use permit by the board of zoning appeals. Notwithstanding, the following provisions shall not apply to a change in zoning district title or the specific provisions therein upon the adoption or subsequent amendment of this title. Public notice signs shall be posted in accordance with subsection E of this section on any property subject to consideration of certain preservation permit applications under Section 17.40.420 by the historic zoning commission.

Section 3. That Section 17.40.730 of the Metropolitan Code is further amended by adding the following new subsection E:

E. Historic Zoning Commission Preservation Permits. Public notice signs shall be posted on any property subject to consideration by the historic zoning commission of a preservation permit application that involves but not limited to demolition without immediate life or safety concerns, alterations, additions, or removals that are substantial, or do not meet the design guidelines, are of a precedent-setting nature, or involve a change in the appearance of a structure or site, and are more substantial in nature than routine maintenance or minor work projects such as new primary or outbuilding construction, expansion of a building footprint, or significant changes in features but shall not include routine maintenance which includes repair or

replacement unless there is no change in the design, materials, or general appearance of elements of the structure or grounds, which proposes demolition of a historic building, new construction of a primary building, an addition or outbuilding for a corner lot, or any other preservation permit that requires a setback determination. The public notice sign shall be installed on affected properties no less than eleven days prior to the consideration by the historic zoning commission. One double-sided 24" (vertical) x 36" (horizontal) sign shall be posted for every fifty feet of public road frontage excluding alleys, whenever practical located within ten feet of the right of way and positioned in a manner to best inform the monitoring public without creating a safety hazard, and shall contain at a minimum the time, date and location of the scheduled public hearing at the Historic Zoning Commission, the general nature of the hearing and a phone number for additional information. ~~The number and placement of public notice signs shall be posted in accordance with subsection C.~~ The applicant shall be responsible for both the cost of preparation of these public notice signs, and the placement of the signs in accordance with this provision, and providing proof of compliance to the historic zoning commission.

Section 4. Be it further enacted, that this ordinance shall take effect 60 days 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.

SPONSORED BY:

Kathleen Murphy
Member of Council