SECOND SUBSTITUTE ORDINANCE NO. BL2022-1346

An Ordinance amending Chapters 17.04 and 17.12 of the Metropolitan Code to add a definition for "trade permit", amend regulations on accessory structures, and to amend regulations on the allowed building height of single and two family dwellings in the Urban Zoning Overlay District (Proposal No. 2022Z-012TX-001).

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

Section 1. That the definition for "Accessory or ancillary structure" in Subsection 17.04.060.B of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

"Accessory or ancillary building" means a structure detached from a principal building located on the same lot that is customarily incidental and subordinate to the principal building. These structures shall not be used as residential units ~~for living quarters, sleeping quarters,~~ or commercial activity unless authorized by base zoning, overlay, or appropriate use permit. ~~Accessory buildings may be heated and cooled spaces and shall only be permitted one standalone utility sink not to exceed 24" x 24", one toilet, and one hand washing sink. Electrical service is restricted to a single 100-amp service unless just cause can be shown to the Zoning Administrator why additional amperage is required.~~

Section 2. That Subsection 17.04.060.B of the Metropolitan Code is hereby amended by adding a definition for "Trade permit" in alphabetical order as follows:

"Trade permit" means a permit issued by the Metropolitan Codes Department to perform electrical, plumbing, gas, low voltage, or HVAC work.

Section 3. That Subsection 17.12.040.E.1 of the Metropolitan Code is hereby amended by deleting subsections a and b in their entirety and replacing them with the following:

a. Accessory buildings with a footprint of 700 square feet or less and located to the rear of a principal structure shall provide a minimum side setback equal to one-half of that required for the zoning district, but not less than three feet, and a minimum rear setback of at least three feet, except when garage doors or carport openings face or open directly to an alley, in which case the minimum rear setback shall be ten feet. Accessory buildings with a footprint of more than 700 square feet shall provide the full setbacks of the zoning district;
b. Above ground swimming pools or in-ground swimming pools that extend more than twelve inches above ground level and are located to the rear of a principal structure shall provide a minimum side setback equal to one-half of that required for the zoning district, but not less than three feet. In-ground swimming pools that extend above ground level less than twelve inches shall provide a minimum setback of three feet;

Section 4. That Section 17.12.060 of the Metropolitan Code is hereby amended by deleting subsections B, ~~and~~ C.1, C.2, and C.3 ~~it~~ in their entirety and replacing them with the following:

B. Special Height Regulations for Single-Family and Two-Family Dwellings. Single-family and two-family dwellings shall not exceed three stories. On all lots with a lot size less than forty thousand square feet, accessory structures shall not exceed one story or sixteen feet in height.

On all lots with a size with forty thousand square feet or more, accessory structures located to the rear of the principal dwelling may be two stories or twenty-four feet in height provided that the full side and rear setbacks required by the applicable district are provided. If not so established in historic overlay districts, the zoning administrator shall establish height regulations based upon the recommendation of the historic zoning commission.

C. Special Height Regulations for Single-Family and Two-Family Dwellings Within the Urban Zoning Overlay District.

1. Single-family and two-family dwellings shall not exceed three stories to a maximum height of forty-five feet. Maximum height shall be measured from either the finished grade or, if present, from the ceiling of an exposed basement not more than seven feet above the finished grade. Finished grade shall be determined based on the average elevation of the four most exterior corners of the structure, to the eave or roof deck. Finished grade is the final ground elevation.
2. On all lots with a size less than forty thousand square feet, an accessory structure located to the rear of the principal dwelling may have vertical walls rising no higher than sixteen feet from the side and rear setback lines. The roof on the structure shall rise from the side walls at a roof pitch no steeper than the predominant roof pitch of the principal dwelling, except that the vertical walls may extend to the underside of the roof at the gable end of a gabled roof. The top elevation of an accessory structure shall not exceed the top elevation of the principal dwelling.
3. On all lots with a lot size of at least forty thousand square feet, an accessory structure located to the rear of the principal dwelling may have vertical walls rising no higher than twenty-four feet in height exclusive of a pitched roof, provided that the full side and rear setbacks required by the applicable district are provided. The top elevation of an accessory structure shall not exceed the top elevation of the principal dwelling.

Section 5. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 6. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Kathleen Murphy
Member of Council