



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

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Title: An ordinance amending Section 9.30.010 of the Metropolitan Code of Laws regarding outdoor construction hours.

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Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/8/2024	1	Mayor	approved	
3/7/2024	1	Metropolitan Council	passed on third reading	
2/20/2024	1	Metropolitan Council	passed on second reading	
2/20/2024	1	Government Operations and Regulations Committee	approved	
2/6/2024	1	Metropolitan Council	passed on first reading	
1/30/2024	1	Metropolitan Council	filed	

An ordinance amending Section 9.30.010 of the Metropolitan Code of Laws regarding outdoor construction hours.

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

Section 1. That Section 9.30.010 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

9.30.010 - Outdoor construction hours.

- A. Except as provided in Subsection B, it is unlawful for any person to engage in the outdoor construction, repair or demolition of buildings, structures, land, driveways, or appurtenances thereto, on any parcel, excluding parcels zoned IWD, IR, and IG, between the hours of 7:00 p.m. and 7:00 a.m., except that during the months of June, July, and August, the foregoing restriction shall be between the hours of 8:00 p.m. and 6:00 a.m.
- B. In the Gulch South, Gulch North, and Hope Gardens DTC subdistricts, as defined by the Downtown Code, it is unlawful for any person to engage in the outdoor construction, repair or demolition of buildings, structures, land, driveways, or appurtenances thereto on any parcel during the hours of 8:00 p.m. and 6:00 a.m. year-round. In the James Robertson, Sulphur Dell, Core, Core Historic, Upper Broadway, 2nd and Broadway, River, SoBro, Lafayette, Rutledge Hill, Rolling Mill Hill, Rutledge River DTC subdistricts and any subdistricts not mentioned here, as defined by the Downtown Code, this section shall not apply.

- C. For the purposes of this section, "outdoor construction" means any construction activities occurring outside of an enclosed building. As used in Subsection A, "outdoor construction" does not mean activities necessary to mitigate safety or significant traffic concerns during the stated restriction hours such as concrete activities, utility and road work, hauling and hoisting of large loads, and similar activities as determined by the Director of Codes Administration. As used in Subsection B, "outdoor construction" does not mean activities necessary to mitigate safety or significant traffic concerns during the stated restriction hours such as concrete activities, utility and road work, hauling and hoisting of large loads, delivery of construction materials, and similar activities as determined by the Director of Codes Administration.

Section 2. This ordinance shall take effect on May 1, 2024, the welfare of the Metropolitan Government requiring it.

Analysis

This ordinance amends Section 9.30.010 of the Metropolitan Code of Laws regarding outdoor construction hours.

Currently, this section prohibits the outdoor construction, repair or demolition of buildings, structures, land, driveways, or appurtenances thereto, on any parcel located within or adjoining any zoning district listed in the ordinance during the hours of 7:00 p.m. and 7:00 a.m. During the months of June, July, and August, outdoor construction is prohibited from 8:00 p.m. to 6:00 a.m. Outdoor construction is defined as any construction activities occurring outside of an enclosed building, but it does not apply to activities necessary to mitigate safety or significant traffic concerns during the stated restriction hours such as concrete activities, utility and road work, hauling of large loads, and similar.

The ordinance under consideration adds outdoor construction restrictions for certain areas zoned DTC. In the Gulch South, Gulch North, and Hope Gardens DTC subdistricts, as defined by the Downtown Code, outdoor construction is prohibited from 8:00 p.m. to 6:00 a.m. In the remaining DTC subdistricts, no outdoor construction prohibitions would be added.

The ordinance further amends the definition of "outdoor construction" by adding hoisting of large loads to the list of exempted activities and clarifying that the Director of Codes Administration determines which activities are similar to the exempted activities. In addition, the definition of "outdoor construction" for the areas in the DTC would specifically include the delivery of construction materials as an exempted activity.

Finally, the current section lists all zoning districts where the ordinance is effective. All zoning districts are included, except for the DTC, IWD, IR, and IG zoning districts. The ordinance under consideration simplifies the listing of the zoning districts to state that it applies in all zoning districts, except those listed in Subsection B (which concerns the DTC) and IWD, IR, and IG zoning districts.