



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to update the corridor design overlay and the residential accessory structure overlay within Chapter 17.36.20, 17.36.540, 17.36.590, relating to permitted façade materials, all of which is described herein (Proposal No. 2022Z-001TX-001). **THE PROPOSED ORDINANCE REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS.**

WHEREAS, the state law of Section 68-120-101 and Section 68-120-101(b) was adopted on September 1<sup>st</sup>, 2021, prohibiting the discrimination against or in favor of particular construction materials or construction techniques: and

WHEREAS, the Metropolitan Government of Nashville and Davidson County recognizes the importance of updating and clarifying Title 17 where conflicts exist.

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

Section 1: That Chapter 17.36 of the Metropolitan Code is hereby amended by adding a new section, 17.36.020 A - Definitions after 17.36.20 - Applicability:

### 17.36.020 A - Definitions

The following definitions apply within Overlay Districts:

“Concrete masonry unit” means standardized building block composed of Portland cement, aggregates, and water. Commonly referred to as “CMU”.

“Fiber cement products” means manufactured thin sections of hydraulic cementitious matrices and discrete nonasbestos fibers. These products may be commonly referred to by a trade or brand name: Hardie Board.

Section 2. That Chapter 17.36 of the Metropolitan Code is hereby amended by deleting 17.36.540.C.3 and substituted with the following:

3. At least seventy-five percent of the primary façade shall be clad in material(s) selected from the following list: brick, brick veneer, stone, cast stone, and/or architecturally treated concrete masonry units, fiber cement products, and/ or material(s) substantially similar in form and function.
  - i. Concrete masonry units shall be split-face or otherwise treated with texture or visual interest.
  - ii. Materials changes shall occur along horizontal lines, not vertical lines.

Section 3. That Chapter 17.36 of the Metropolitan Code is hereby amended by deleting 17.36.540.C.4 and substituting with the following:

4. All other building facades, including those facing interior property lines, rear property lines, loading lanes, etc. - are not primary facades therefore alternative materials not listed in 17.36.540.C.3 may be used. If used on non-primary facades, concrete masonry units shall be split-face or otherwise treated with texture or visual interest.

Section 4. That Chapter 17.36 of the Metropolitan Code is hereby amended by deleting 17.36.590.E and

substituting with the following:

E. Materials. Accessory structures greater than one hundred fifty square feet in gross floor area must be constructed in a like manner to the principal building in terms of roof style and building materials. Alternative materials that are not metal, plastic, vinyl, or concrete masonry units may be used as primary siding materials for accessory structures greater than one hundred fifty square feet in gross floor area. Metal, plastic, vinyl, or concrete masonry units may be used if that same material is the primary material on the principal structure.

Section 5. Be it further enacted that this ordinance shall take effect immediately 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.

#### Analysis

This ordinance makes various changes to Chapter 17.36 of the Metropolitan Code of Laws to bring these provisions into compliance with recent state law changes to Tennessee Code Annotated § 68-120-101, related to the regulation of building materials by local governments. The state law restricts a local government's ability to prohibit certain building materials, however, it allows for the continued regulation of materials where alternative materials are allowed. This ordinance removes references to prohibited materials and better defines building materials that can be used in Corridor Design Overlays and Residential Accessory Structure Overlays.