



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2021-975, **Version:** 2

An ordinance amending Section 17.40.660 of the Metropolitan Code to amend the limitations of rebuilding a nonconforming structure (Proposal No. 2021Z-19TX-001).

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

Section 1. That Subsection 17.40.660.D of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following language:

D. Damage or Destruction of Nonconforming Structures.

1. A nonconforming structure damaged by any involuntary means to less than fifty percent of its total floor area may be reconstructed. If damage exceeds fifty percent of the total floor area, the structure shall be reconstructed in accordance with all applicable provisions of this title. If requested by the property owner, the board of zoning appeals may consider percentage of reconstruction cost in lieu of percentage of floor area damaged or destroyed. The value of land shall be excluded.
2. Notwithstanding the foregoing and regardless of the percentage of floor area damaged or destroyed, any nonconforming structure damaged or destroyed by the March 3, 2020, tornado may be reconstructed so long as there is not a substantial increase in the degree of non-conformity and the building permit is issued on or before March 3, 2025.
3. A nonconforming structure utilized for the single family use or two family use that is damaged or destroyed by any involuntary means may be fully reconstructed so long as there is not a substantial increase in the degree of non-conformity of the structure.

Section 3. That this Ordinance shall take effect five (5) days from and 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 amends Title 17 of the Metro Code to allow nonconforming single and two family uses that are damaged or destroyed by any involuntary means (such as a natural disaster) to be fully reconstructed as long as there is not a substantial increase in the degree of nonconformity of the structure. This ordinance is similar to BL2020-277, which amended Title 17 to allow any structure damaged or destroyed by the March 3, 2020 tornado to be fully reconstructed so long as there is not a substantial increase in the degree of non-conformity.

A housekeeping amendment is anticipated.

This item was recommended for approval by the Planning Commission at their November 18 meeting.