



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2022-1346, **Version:** 3

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.

Analysis

This ordinance, as substituted, amends Chapters 17.04 and 17.12 of the Metropolitan Code of Laws 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.

The ordinance under consideration creates a new definition in Subsection 17.04.060.B for “trade permit” that includes any permit issued by the Codes Dept. to perform electrical, plumbing, gas, low voltage electrical, or HVAC work.

Regarding the regulation of accessory structures, the ordinance amends the definition of “Accessory or ancillary structure” (now called “Accessory or ancillary building”) in Subsection 17.04.060.B, Subsection 17.12.040.E.1, and Subsection 17.12.060.B to add additional language to specify that accessory buildings are not intended to be used as residential units or commercial activity, unless authorized by zoning, overlay, appropriate use permit. Additionally, the ordinance requires accessory structures larger than 700 square feet to meet all required setbacks and height controls of the zoning district. Currently, the definition does not address what can or cannot be done within an accessory structure and there are no defined restrictions on what components can be within an accessory structure. These restrictions on accessory structures have been

requested by the Zoning Administrator to prevent the conversion of accessory structures into illegal detached accessory dwelling units.

The ordinance under consideration also amends Subsection 17.12.060.C.1, C.2, and C.3 to change how the height is measured for single- and two-family structures in the Urban Zoning Overlay District. Currently, the code requires height to be measured from natural grade, which is the grade of the property prior to any grading or construction on the site. The ordinance changes this height to be measured from finished grade, which is the final ground elevation. This change brings the Code into alignment with how the Codes Department and Zoning Administrator have been measuring the height of these structures.

The Planning Commission has recommended disapproval of the substitute ordinance and approval of a second substitute. The second substitute was added at the October 4, 2022 Council meeting.