



Metropolitan Nashville and Davidson County, TN

Legislation Text

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An Ordinance amending Title 2 and Section 16.28.195 of the Metropolitan Code pertaining to the Metropolitan Historical Commission and the Metropolitan Historic Zoning Commission.

WHEREAS, the Metropolitan Historical Commission and Historic Zoning Commission have played a vital role in preserving and promoting the historical, cultural, and architectural heritage of Nashville and Davidson County; and

WHEREAS, efficient governance and strategic planning are essential to ensuring the continued protection, enhancement, and integration of historic preservation within Nashville and Davidson County; and

WHEREAS, best practices in urban planning recognize the importance of incorporating historic preservation into long-term development strategies to balance growth with cultural and historical preservation; and

WHEREAS, the consolidation of the staffs of the Metropolitan Historical Commission and the Historic Zoning Commission under the authority of the Metropolitan Department of Planning will enhance coordination, streamline decision-making, and align historic preservation efforts with current comprehensive land use, economic development, and infrastructure planning; and

WHEREAS, the consolidation of the staffs of the Metropolitan Historical Commission and the Historic Zoning Commission under the authority of the Metropolitan Department of Planning will promote and improve public engagement in historic preservation efforts; and

WHEREAS, the Metropolitan Council seeks to promote transparency, accountability, and effectiveness in the management of historic resources while maintaining the integrity and expertise of historic preservation professionals; and

WHEREAS, amendments to Chapter 2.128 of the Metropolitan Code of Laws are necessary to clarify the Planning Department's management and supervision of the staffs of the Historical Commission and the Historic Zoning Commission; and

WHEREAS, the Metropolitan Council finds that these amendments serve the public interest by ensuring a streamlined and effective planning and development process.

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

Section 1. Section 2.128.050 of the Metropolitan Code of Laws is hereby amended by modifying the section as follows:

2.128.050 - Historical Commission director and staff

A. There shall be created the position of director for the historical commission of the Metropolitan Government of Nashville and Davidson County. The director shall report to and serve at the pleasure of the Executive Director of the Metropolitan Department of Planning historical commission and shall be paid such compensation as shall be fixed by the historical commission within the Department of Planning's its budgeted appropriations. The director for the historical commission:

1. Shall possess a degree in history, historic preservation, architectural history, or related field

- (e.g., planning, architecture), preferably with postgraduate training;
- 2. Shall have at least five years of experience working in the historic preservation or related field;
- 3. Shall be familiar with the history of Nashville-Davidson County and Tennessee;
- 4. Shall have demonstrated ability to discharge the duties and functions of the director of the Historical Commission.

B. The director of the historical commission shall hire staff as needed to carry out the necessary tasks to assist the commission in the performance of its functions.

All staff of the Historical Commission and Historic Zoning Commission of Metropolitan Nashville-Davidson County employed prior to the effective date of this Ordinance shall be transitioned to the Metropolitan Government's civil service, ensuring employment protections and benefits consistent with other Metropolitan civil service employees. The status of Historical Commission and Historic Zoning Commission staff hired after the effective date of this ordinance shall be the same as other employees of the Metropolitan Department of Planning.

C. All existing and future staff of the Historical Commission and Historic Zoning Commission of Metropolitan Nashville-Davidson County shall be reorganized under the Metropolitan Planning Department and shall report to the Executive Director of the Metropolitan Planning Department.

Section 2. That Title 2 of the Metropolitan Code of Laws is amended by adding the following as a new Chapter 2.130 as follows:

Chapter 2.130 - Historic Zoning Commission Staff

2.130.010 - Historic Zoning Administrator

There shall be created within the metropolitan planning department the position of historic zoning administrator to the metropolitan historic zoning commission. The historic zoning administrator shall report to and serve at the pleasure of the executive director of the planning department and shall be paid such compensation as shall be within the dept of planning's budgeted appropriations. The historic zoning administrator:

- 1. Shall possess a degree in history, historic preservation, architectural history, or related field (e.g., planning, architecture), preferably with postgraduate training focused on planning and land use;
- 2. Shall have at least five years of experience working in historic zoning or a related field; and
- 3. Shall be familiar with the history and zoning laws of Nashville-Davidson County and Tennessee.

2.130.020 - Historic Zoning Commission Staff

All staff of the historic zoning commission shall be employees of the department of planning and report to the executive director of the department of planning. The existing staff of the historic zoning commission as of July 1, 2025, shall become members of the department of planning and shall retain their civil service status, ensuring employment protections and benefits consistent with other metropolitan civil service employees. Future employees of the department of planning assigned to perform duties related to historic zoning or support of the historic zoning commission shall have the same employment status as do other employees of the department of planning as of the effective date of this ordinance.

Section 3. That Section 16.28.195, Subsection A, of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

When the department of codes administration receives an application for a demolition permit for a

structure which, individually or as part of a group of structures, is listed or is eligible for listing on the National Register of Historic Places, or meets the criteria of T.C.A. § 7-51-1201 as determined by the historic zoning commission, but is not included in a historic overlay district, the director of codes administration shall not issue a demolition permit for the structure until the historic zoning administrator approves the demolition permit. The historic zoning administrator must take action on the demolition permit within ninety days of the permit application, unless a longer period is agreed upon by the applicant and the historic zoning administrator. The department of codes administration shall provide notice by email to the district councilmember representing the district in which the historic structure is located within two business days after the application for the demolition permit has been filed.

Section 24. This ordinance shall take effect ~~from~~ and after its passage on July 1, 2025, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance, as substituted, amends Title 2 and Section 16.28.195 of the Metropolitan Code of Laws regarding the staff of the Historical Commission.

Under the existing Section 2.128.050 of the Metropolitan Code of Laws, the position of the executive director of the Historical Commission is created. The executive director serves at the pleasure of the Historical Commission, and their compensation is determined by the Historical Commission. The executive director of the Historical Commission must meet certain education and experience requirements.

The ordinance, as substituted, would keep these provisions, but rename the position as the “director” of the Historical Commission instead of the “executive director”. In addition, the substitute would clarify that the director of the Historical Commission is empowered to hire staff as needed to carry out the functions of the Historical Commission.

In addition, the ordinance, as substituted, would create a new Chapter 2.130 regarding the Historic Zoning Commission Staff. The ordinance, as substituted, would move the staff of the Historic Zoning Commission to the Planning Department and the staff would report to the executive director of the Planning Department. All future staff would also be organized under the Planning Department. Staff employed prior to the effective date of the ordinance would retain civil service status. Current Historic Zoning Commission staff are civil service employees. Staff hired after the effective date of the ordinance would have the same status as other employees of the Planning Department, who are not civil service employees. The ordinance, as substituted, would also officially create the position of Historic Zoning Administrator in the Metropolitan Code of Laws. This position would report to and serve at the pleasure of the executive director of the Planning Department. The historic zoning administrator must meet certain education and experience requirements, similar to those of the Historical Commission, but with additional qualifications related to zoning. An amendment was added that states future employees of the Planning Department assigned to the Historic Zoning Commission should have experience in historic preservation.

Section 16.28.195.A outlines the process for an application for a demolition permit for a structure that is listed or is eligible for listing on the National Register of Historic Places. Under the current provision, the executive director of the historical commission has up to 90 days to approve a demolition permit before the structure can be demolished. The ordinance, as substituted, would change this to authorize the historic zoning administrator,

instead of the director of this historical commission, to make this determination.

The existing Chapter 2.128 of the Metropolitan Code of Laws addresses only the Historical Commission and does not address the Historic Zoning Commission or the Historic Zoning Commission staff. Chapter 17.40, Article IX of the Metropolitan Code of Laws addresses the Historic Zoning Commission but these provisions do not address its staff. The Metropolitan Historic Zoning Commission Rules of Order and Procedure state in Section V that the staff functions of the Historic Zoning Commission are performed by the Historical Commission staff, with one members of staff being named as the zoning administrator of the Historic Zoning Commission.

While this ordinance amends the Metropolitan Code of Laws relative to the staff of the Historical Commission and the Historic Zoning Commission, it does not impact or change the authority of either commission. The Historical Commission authority is outlined in Chapter 2.128 of the Metropolitan Code of Laws. The Historic Zoning Commission authority is outlined in Tennessee Code Annotated § 13-7-401, et seq., and Chapter 17.40, Article IX of the Metropolitan Code of Laws.

This ordinance would take effect on July 1, 2025.

An amendment was added at the March 4, 2025 Council meeting to add recitals.