



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
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STAFF RECOMMENDATION
Neighborhood Conservation Zoning Overlays
November 20, 2019

Project: Neighborhood Conservation Zoning Overlay Consolidation Project
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<p>Description of Project: The Historic Zoning Commission received funding from the Tennessee Historical Commission for a design guideline consolidation project. The project began in January 2019 and ended on September 30, 2019.</p> <p>This project is only for the existing 23 neighborhood conservation zoning overlays and does not affect other types of historic zoning overlays. No new overlays or boundary changes are a part of this proposal.</p> <p>Recommendation Summary: Staff recommends deferring a decision on the combined design guidelines until the March 18, 2019 regularly scheduled public hearing with the goal of deliberating on specific sections of the design guidelines at each public hearing between now and the March meeting. The recommended schedule follows:</p> <ul style="list-style-type: none">• December 18: Part I, Sections II (Principles), III (Demolition), IV (Materials)• January 15: Part I, Sections V (New Construction-Infill) and VI (New Construction-additions)• February 19: Part I, section VII (Outbuildings)	<p>Attachments None</p>
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Applicable Ordinance:

17.40.410 Powers and duties.

Establishment of Design Review Guidelines. The historic zoning commission shall adopt design guidelines for each historic overlay district and apply those guidelines when considering preservation permit applications. Design guidelines relating to the construction, alteration, addition and repair to, and relocation and demolition of structures and other improvements shall be consistent with the National Historic Preservation Act of 1966, as amended. A public hearing following the applicable public notice requirements of Article XV of this chapter shall precede the adoption of all design review guidelines by the historic zoning commission. Testimony and evidence material to the type of historic overlay under consideration may be considered by the commission in its deliberations.

Background:

The Historic Zoning Commission received funding from the Tennessee Historical Commission for a design guideline consolidation project. The project began in January 2019, and the grant period ended on September 30, 2019.

This project is only for the existing 23 neighborhood conservation zoning overlays and does not affect other types of historic zoning overlays. No new overlays are a part of this proposal, and no boundary changes are proposed.

One goal is to provide clearer direction and address actions not contemplated when the guidelines were originally written. Another goal is to make it easier for applicants, particularly those who work in multiple neighborhoods, to better understand what guidelines are universal to all conservation overlays, and what, if any, differences there may be for an individual neighborhood. Having a separate design guideline document for each overlay worked fine when there were just a handful of overlays. However, now that there are 23 conservation overlays, each with their own set of similar design guidelines, and result is unwieldy. The revision also tightens up language that deals with form, massing, and scale while loosening restrictions for details.

The process of developing the consolidated guidelines included monthly meetings with stakeholders, between February and August of this year. Council members appointed the stakeholders from each overlay that is located within their respective district. Two additional stakeholders were added to represent frequent applicants. Metro Historic Zoning Commissioner Kaitlyn Jones served as the MHZC representative, and the relative councilmembers were also included in the stakeholder list. Stakeholders provided regular information and updates to property owners in their districts.

A Nashville.gov webpage dedicated to the project has been available throughout the project and updated on a regular basis. The site includes a description of the project, design guideline drafts, a summary of changes, a word-for-comparison of changes by district, and links to additional resources. A direct link to this page is available on the zoning commission's home page. <https://www.nashville.gov/Historical->

Community meetings were held on July 11, August 14 and 19, September 23 and 30, and October 7 and 21, 2019. Public hearings were held on September 19 and October 16, 2019. Staff was invited to attend a Belmont-Hillsboro neighborhood association meeting on October 17, 2019, a Hillsboro-West End neighborhood association meeting on November 14, 2019 and a Richland-West End's meeting on November 21, 2019.

Revisions to the draft were made throughout the process, based on public comment from the stakeholders, council members, and members of the community. No additional changes will be made to the September draft until all public comments are collected.

The project was first presented to the Commission in three parts. Part I is a consolidation of all the neighborhood conservation design guidelines into one universal set of design guidelines, with Part II being individual chapters for each district. All the neighborhood conservation design guidelines are already very similar, but the consolidation will provide an opportunity to reorganize and add clarifying language. The third component is to create new design guidelines and a plans book for outbuildings, to provide more flexibility in terms of size and design and clearer guidance.

Design guidelines are a delicate balance between prescriptive language that provides specific "rules" and non-prescriptive language allowing the guidelines to address a multitude of scenarios. The goal of any set of design guidelines is to both provide applicants a planning tool and to provide a board or commission with a decision-making tool.

The proposed revisions come from staff's experience with applicants and council members over multiple years, discussions with the stakeholder group, an online discussion board, research of other cities, a 2008 study of local historic garages, and advice from consultants, Smith Gee Studio and Nashville Civic Design Center.

Analysis and Findings:

Staff recommends that Part III, and any references to Part III, be removed from consideration and that Parts I and II be reviewed section by section, between now and March of 2020.

Recommended for this public hearing is review/discussion of some sections of Part I and the entirety of Part II.

Part I, Section 1, Introduction

The Introduction does not include any changes to the design guidelines themselves.

In recent years the National Park Service has made minor alterations to the Secretary of Interior Standards for Rehabilitation. The revision is captured in the September 2019 draft. If the document is not approved, this section will still be revised as it is italicized and therefore not an official part of the design guidelines. At this time, Staff also recommends adding the clarification that if the design guidelines do not directly address a situation, then the Standards can be relied upon to assist with review. This is not a change, since the ordinance already requires that the guidelines be based on the Standards. The existing design guidelines and the draft read as follows.

By Tennessee state law, all design guidelines for neighborhood conservation zoning overlays must comply with the Secretary of the Interior's Standards for Treatment of Historic Properties:

Staff recommends the following language with new recommended wording underlined:

By Tennessee state law, all design guidelines for neighborhood conservation zoning overlays must comply with the Historic Preservation Act of 1966, as amended. The section of the Act which deals specifically with rehabilitation of historic properties is the Secretary of the Interior's Standards for Treatment of Historic Properties. The Standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new construction or making alterations. When the design guidelines do not provide guidance for a specific request, the Standards may be relied upon.

Part I, section VIII, Relocation

All of the design guidelines have the same wording for the Relocation sections and no revisions were proposed in the September 2019 draft. To date, public comment regarding this section has not been received.

Part I, Section IX, Definitions

Definitions are italicized and not an official part of the design guidelines. In addition to the definitions added and changed in the September 2019 draft, Staff recommends adding a definition for rooftop decks as there has been confusion between “upper level decks” and “rooftop decks.” A potential definition follows:

Rooftop Deck: An uncovered deck projecting from or recessed into the roof form of a building. It is generally located at or above the primary eave of the portion of the roof to which it is attached.

Part II

Staff has not received recommendations for changes to Part II, that have not already been addressed in the September 2019 draft, so no additional changes are recommended at this time.

Part III

Part III is recommended for removal from consideration for several reasons. The recommended changes were a major departure to how the Commission has reviewed outbuildings in several ways but mainly in that they would allow for outbuildings to be larger scale than the primary building, in some instances. Staff is not convinced this is the best direction for the design guidelines and has received public, council member, and Commissioner comments to that effect as well. In addition, not all of the forms may be appropriate for every district or for every lot. Any changes to the form book would not likely be small tweaks, and since the plan book is based heavily on drawings rather than on text, further changes are likely to be beyond the expertise of staff. The skill of a designer/architect is needed to provide not only the drawings but “real world” recommendations on the dimensions of different forms so that they can reasonably accommodate such things as modern vehicles and stairs. There is no funding available to hire a consultant to create a revision. The contract with Smith Gee Studio and The Nashville Civic Design Center, the consultants who created the September 2019 draft, is complete. They have graciously volunteered to make minor alterations, if needed; however, staff believes the changes needed are significantly greater than minor alterations. For these reasons, staff recommends that the Commission remove Part III from consideration as the public hearings continue and instead, focus on the text guidelines for outbuildings included in Part II.

Recommended Schedule of Review for Additional Sections of Part I

Staff recommends the following schedule for the remaining portions of Part I:

- December 18: Part I, Sections II (Principles), III (Demolition), IV (Materials)
- January 15: Part I, Sections V (New Construction-Infill) and VI (New Construction-additions)
- February 19: Part I, section VII (Outbuildings)

This schedule will allow the Commission and staff the ability to continue to accept public comment on the project and make the project easier to follow since it will be broken into pieces. Each meeting will be a public hearing, and the public will be welcome to speak on any portion of the draft they wish, but the schedule will help the Commission to organize its time and focus its discussion. The sections were organized with what Staff believes to be the sections with the most changes towards the end of the schedule, allowing maximum time to continue to discuss and revise these sections.

Recommendation:

Staff recommends deferring a decision on the combined design guidelines until the March 18, 2019 regularly scheduled public hearing with the goal of deliberating on specific sections of the design guidelines at each public hearing between now and the March meeting. The recommended schedule follows:

- **December 18: Part I, Sections II (Principles), III (Demolition), IV (Materials)**
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- **February 19: Part I, section VII (Outbuildings)**