

BILL NO. BL2017-938 (GLOVER) – Section 17.20.120 of the Metro Code of Laws (MCL) regulates the requirements for the provision of sidewalks. This section was substantially amended in April 2017 by the Council’s adoption of Ordinance No. BL2016-493.

Subsection 17.20.120.A generally requires sidewalk construction upon the redevelopment of multi-family or nonresidential property, and only upon the new construction of single-family and two-family residences. The requirements for multi-family or non-residential development only apply within specified locations – subject to the value of any expansion, or its square footage, exceeding the original value or size by specific percentages. The requirements for single- and two-family construction likewise only apply within specified locations.

This ordinance would amend subsection 17.20.120A by exempting religious institutions from these sidewalk requirements, provided the religious institution is within the General Services District and does not abut an existing or planned sidewalk.

Religious institutions can challenge zoning requirements and other local government regulations under the Tennessee Religious Freedom Restoration Act, Tenn. Code Ann. §4-1-407. This state law provides that government entities are prohibited from “substantially burden[ing] a person’s free exercise of religion even if the burden results from a rule of general applicability.” Such protections could extend to sidewalk regulations. However, local government regulations may prevail if deemed essential to furthering a compelling governmental interest (such as, perhaps, implementing pedestrian walkways, etc.) and are the least restrictive means of doing so.

This ordinance has been disapproved by the Planning Commission.