



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
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STAFF RECOMMENDATION
Neighborhood Conservation Zoning Overlays
March 17, 2021

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 the grant ended on September 30, 2019.</p> <p>This project is only for some of 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 approval of the September 2019 draft with the changes noted in the attached draft finding that the project meets section 17.40.410 of the Code and the Historic Preservation Act of 1966 and with an effective date of May 21, 2021, the day after the May public hearing.</p>	<p>Attachments</p> <p>A: Supplemental info regarding potential replacement siding review</p> <p>B: Draft Design Guidelines/ marked with changes from September 2019 Draft</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.

Analysis and Findings:

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 some of 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 a specific neighborhood. Having a separate design guideline document for each overlay worked well when there were just a handful of overlays. However, now that there are 23 neighborhood conservation overlays, each with their own set of similar design guidelines, the result is unwieldy for regular applicants. The revision also tightens up language that deals with form, massing, and scale while loosening restrictions for details and provides further clarification of past interpretations.

The process of developing the consolidated guidelines included monthly meetings with stakeholders, between February and August of 2019. 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 council members were also included in the stakeholder list. Stakeholders provided regular information and updates to property owners in their districts. Some of the council districts now have new council members, and those council members have been informed about the project via email and one-on-one meetings.

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 previous word-for-word 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-Commission/About/Historic-Zoning-Commission/Design-Guideline-Consolidation-Project.aspx>. A series of videos, providing an overview of the project, have been on the website for the last several months.

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, October 16, November 20 and December 18, 2019, and January 15 and February 19, 2020. 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 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. The commission discussed the September draft, a section or two at time at the November and December 2019 meetings and the January and February 2020 meetings. Revisions reflecting all those discussions is attached. The Belmont-Hillsboro and Hillsboro-West End neighborhood associations request the removal of three districts from the consolidated design guidelines: Elmington, Belmont-Hillsboro and Hillsboro-West End. These three districts are shown in Part II as being stricken. New text added to the 2019 draft is underlined and text recommended to be removed is shown as stricken.

The project was first presented to the Commission in three parts. Part I is a consolidation of most of 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 provides an opportunity to reorganize, add clarifying language and revisions. The third component was to create new design guidelines and a plans book for outbuildings, to provide more flexibility in terms of size and design and clearer guidance; however, Part III was disapproved at the September 2019 public hearing. Currently, just Part I and Part II are under consideration.

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, discussion with Commissioners in a series of public hearings, and advice from consultants, Smith Gee Studio and Nashville Civic Design Center.

Part I: Summary of Revisions

The National Park Service has revised the Secretary of Interior's Standards for Rehabilitation, since the language was first included in the design guidelines; so that section has been revised to reflect the Park Service's changes. Language has also been added to explain the role of the Standards in the design review process.

All references to Part III are recommended to be removed.

There is language to stress that in terms of new construction, the focus is on form, massing, and scale, rather than style.

Solar panels and skylights are removed from the "does not need review" list and added to additions with guidance on how to review.

The section for demolition was moved to the beginning of the document to emphasize that the review of demolition is the most important role of the Commission. Language was added to clarify the review of full demolition of non-historic buildings and of demolition of features or "partial-demolition."

Initially staff included in the proposed sections for "partial-demolition" the removal of siding. In a neighborhood conservation zoning overlay, replacement siding, windows, doors, and roofing are generally not currently reviewed. When all those features or even just the siding and windows are removed, the result is the actual demolition of the building. Siding on historic buildings often contributes to the stability of a building. There have been cases where the building has collapsed once the siding has been removed and the interior gutted; therefore, staff proposes to add removal of siding as an action that is reviewed. There was public comment received both in favor of and against the review of replacement siding. Likewise, commissioners were for and against this change when it was discussed in December of 2019.

The material section has been pulled out of "new construction" as its own section and revised to provide a longer list of appropriate and inappropriate materials. Most of it remains italicized so that the Commission can easily address whatever new materials might become available in the future. It is not best-practices to include such a list as formal design guidelines but providing it as italicized information will allow the Commission flexibility in review while also providing guidance to applicants.

Staff is proposing that roofing color no longer be reviewed. No one has asked for a color that has been disapproved, to staff's memory. Historically asphalt shingle came in a multitude of colors. In addition, roofing materials are not a permanent change to a building.

Staff initially proposed to no longer review siding reveal for new construction. The current practice is for all lap siding to have a reveal with a maximum of 5". There is no record as to how the requirement was initially determined but it may have been

considered an average or a typical reveal. Since historic siding comes in a variety of reveals, Staff recommends increasing the maximum to 7", as that is a size that is readily available and still within the range of historic reveals. The draft provides an explanation as to when a wider reveals may be appropriate.

The section for "new construction" has been divided into sections for "infill," "additions," and "outbuildings" as there have been multiple comments that having them all together is unclear. This requires some duplication of guidelines but will hopefully provide better guidance for applicants.

The draft adds clarity for how "context" will usually be determined, which is the "block face." Using context far away from a proposed project has been a concern voiced by numerous neighborhoods over multiple years. The Commission will retain the ability to define "block face" in situations where that is unclear or expand the context beyond the block face where the immediate context is not considered relevant.

The draft provides guidance for porte cocheres and roof decks.

The draft provides clarity on how building types relate to zoning. The building types should be consistent with the types in the immediate vicinity, no matter how the lot might be zoned. For instance, a new building on a commercially zoned property in a neighborhood of residential building types should follow a residential building type.

The draft does not include the italicized guidance for multi-unit developments as staff found that, in most cases, multi-unit developments result in: encouragement of demolition of historic buildings; alterations and additions that are not appropriate for the historic building; or require infill that is not appropriate for the district. Where multi-unit developments are appropriate, the site is usually so unique that the italicized design guidelines are of little use. Staff recommends addressing each of these requests on a case-by-case basis.

Staff added language to stress that additions that are taller or wider are only appropriate if all other solutions have been exhausted and in certain conditions. When the first few such additions were approved, it was never the intent to allow all additions to be wider or taller, which is how applicants have interpreted the italicized language.

The drawing shown in Figure 1 is currently in all the neighborhood conservation zoning design guidelines. It is often read as showing the only place where an addition can be constructed, which is not the case. Instead it is

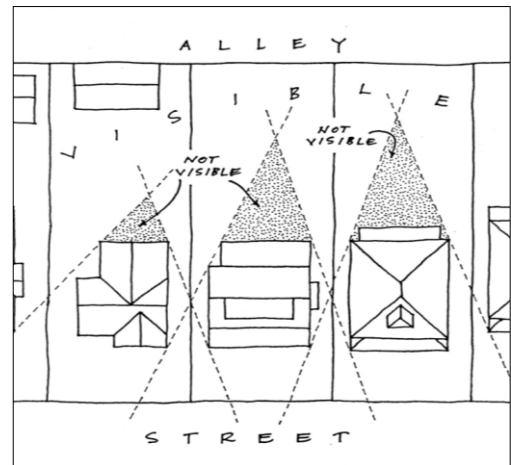


Figure 1: This image appears in all the NCZO design guidelines. *The caption reads: Image to the right shows the area in which new construction would not require a Preservation Permit. All construction outside of the area will be reviewed.*

meant to show that if an addition is small enough to fit into that triangular area, then the addition would not need to be reviewed.

A related concern is that the text portion of the design guidelines, which attempts to state what is reviewed, is confusing in that one section states that the design guidelines only apply to areas that are visible from the public right-of-way and the next section states that public facades are more carefully reviewed than others. Since the establishment of the first overlay, the Commission has interpreted these sections as a review of all sides of any new construction but applying a less stringent review of those facades that are not publicly visible.

The proposed solution to the image and the text is to remove the image (Figure 1) and replace it with a list of actions that would not require review. Removing the image is not likely to cause a hardship for applicants as the Commission only receives 1 or 2 requests a year for additions that would meet the conditions of Figure 1. By the time staff gathers enough information to determine a review is not needed, staff has enough information to just go ahead and issue the permit. Permits for small additions typically have been issued, and will continue to be issued, within a few days. We also recommend clarifying the text to meet the interpretation of the last several decades.

The language for outbuildings has been rewritten to allow for maximum sizes rather than basing the dimensions on the historic building, except in the case of corner lots. In addition, the draft language specifies that protrusions will be included in the “footprint” when a setback determination is considered. Rather than trying to cover features with text alone, architectural features such as bays and dormers for outbuildings, are communicated via the drawings from the previous Part III, form book.

The proposed draft includes new and revised definitions. These are italicized and not officially part of the design guidelines.

Part II

Part II is all the individual chapters for each district, where language specific to each district was collected from the current design guidelines.

All the maps have been revised. The boundaries have not changed, just the graphics of the maps so that they all have a consistent look.

There are few changes recommended for individual districts. One is to clarify in the Bowling House district that if a two-story building is appropriate, then it should have a hipped roof. It’s been a policy but not officially part of the design guidelines.

Recently, property owners in the Cherokee Park neighborhood asked that stone be included as a potential primary siding for infill. Currently the design guidelines only allow for brick.

New “short histories” have been added to the Greenwood and Maxwell house design guidelines. This doesn’t change any actual design guidelines.

Recently the Greenwood neighborhood stated that they want all infill to be capped at 1.5 stories so that has been added.

In the Lockeland Springs-East End design guidelines, there were references to MDHA’s design guidelines for Five Points, to keep an applicant from having to reference two different documents when planning a project in Five Points. The language has been removed since the MDHA district will expire next year. The draft also includes some italicized information, that has been followed for about 8 years or more, as unitalicized guidance.

Recently, the Woodlawn neighborhood requested clarification on attached and detached garages and that has been added.

The chapters for the Belmont-Hillsboro, Hillsboro-West End, and Elmington neighborhood conservation zoning overlays have been removed.

Recommendation:

Staff recommends approval of the September 2019 draft with the changes noted in the attached report finding that the project meets section 17.40.410 of the Code and the Historic Preservation Act of 1966 and with an effective date of May 21, 2021, the day after the May public hearing.

SUPPLEMENTAL INFORMATION REGARDING REVIEW OF REPLACEMENT SIDING

Reasons for review:

- Historic siding is a character defining feature and the Secretary of Interior calls for retention of character defining features.
- Review would comply with section 17.36.110 of the ordinance, which states that in an NCZO no structure shall be demolished in part or whole, unless the action complies with the requirements set forth in Title 17.
- Siding can provide structural stability, especially when the interior is gutted, and other features that are not reviewed are removed.
- In NCZOs, replacement windows, doors, and roofing are not reviewed so when cladding is also not reviewed there is really nothing left of the historic building. Demolition of historic buildings does not meet the design guidelines.
- Encouraging the reuse of materials is environmentally responsible.

Reasons not to review:

- It is not current practice and so will be different from what people have been told in the past.

Before and After Examples:

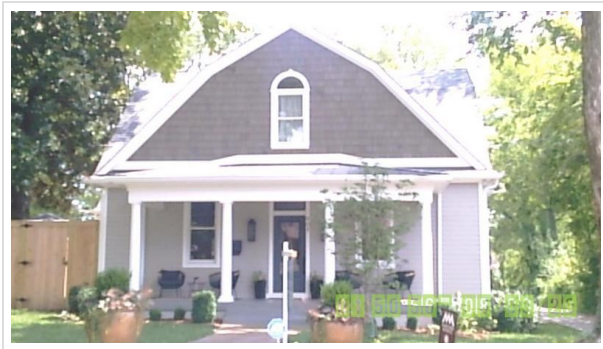


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Unknown Addresses