



May 3, 2021

Planning Commission
5:00 PM

City Hall - Massie Chambers

Agenda:

Call to Order

Approval of Agenda

Approval of Meeting Minutes

1. Approval April 5, 2021 Meeting Minutes

Individual Review of Regular Agenda Items

DISCUSSION ITEM:

2.
 - 805 Dickerson Road- Mixed Use Development Proposal- 1.2 Acres
 - 820 Dickerson Road- Commercial Proposal -3.69 Acres
 - Zoning Ordinance Amendment Regional Center Draft
 - Residential Parking/Sidewalks- Garage Orientation
 - Design Standards Prohibited Materials- New State Law

Public Forum on Planning Related Topics

For more information regarding this agenda, please contact the city recorder by email at:

abaker@goodlettsville.gov

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OFFICIAL MINUTES OF THE MEETING
GOODLETTSVILLE PLANNING AND ZONING COMMISSION

April 5, 2021

Remote Zoom Format Meeting

5:00 p.m.

Present: Mayor Rusty Tinnin, Grady McNeal, Judy Wheeler, Jeff Parnell, Bob Whitaker, Chairman Tony Espinosa, Jim Hitt, Jeff Duncan, David Lynn, Vice Chairman Scott Trew, and Jerry Garrett

**Some members entered and exited meeting as referenced in meeting minutes below*

Absent:

Also Present: Addam McCormick (Staff), Russell Freeman, Mary Laine Hucks, Rhonda Carson, and Tim Ellis

Espinosa called the meeting to order and Garrett offered prayer.

Trew made a motion to approve the agenda, Lynn seconded the motion. Roll call vote completed. The motion passed 8-0 with no votes received from Parnell, McNeal, Whitaker

Garrett made a motion to approve the minutes of the March 1, 2021 meeting, McNeal seconded the motion. Motion passed. Roll call vote completed. Motion passed 9-0 with no votes received from Parnell or McNeal

Duncan made the motion to suspend the Planning Commission's By-Laws to permit the remote meeting format, Wheeler seconded the motion. Roll call vote completed. The motion passed 9-0. with no votes received from Parnell or McNeal

Staff discussed that no public comments were submitted prior to the meeting.

AGENDA

Item#1	Dry Creek Planned Unit Development/Natelli Communities/Ragan-Smith Associates: Request Dry Creek Farms Master Plan Amendment and the rezoning of 21.38 acres from CPUD, Commercial Planned Unit Development to HDRPUD, High Density Residential Planned Unit Development for 117 townhouse units at Dry Creek Road and Dickerson Road, and Robert Cartwright Drive and 3.23 acres in commercial out lots. Property referenced as Davidson County Tax Map/Parcels# 03300004200 and 03300029700. Property Owners: Terry Wilkes and Fred Hix (#03-21) (DEFERRED MARCH MEETING)
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Item Representative: Scott Bernick, Ragan-Smith Associates, Michael and Thomas Natelli, Natelli Development

Staff Discussion:

- Deferred at last meeting
- Revised plans include an additional 1.75 acre outparcel for commercial, aligned access drive on Robert Cartwright Drive, townhouse buildings now meet design guideline requirements

- Staff approval recommendation presented with following stipulations:
- Traffic study review required with final master plan including a design for the Dry Creek Road/Dickerson Road intersection turn lane based on the master plan revision to ensure the proposed site access road into the site between the out lots is designed to prevent conflicts with the turn lane design
- The permitted uses of the two (2) commercial out lots to be defined on the final master plan including convenience commercial, restaurant, day care, retail and professional services including a center
- Revise landscape buffer design to include solid evergreen screen along a section of Dry Creek Road at the proposed access aligning with Trellis Way roughly 200' feet in each direction of the access road to provide screen
- Bernick discussed Dry Farms seventeen (17) year old plan and proposal is an evolved plan
- 1.75 acre out-lot with existing to total 3.25-acre commercial out-lots
- Generic footprints commercial areas not designed site plans at this time
- Discussed access designs and internal circulation designs
- Supplemental landscape buffers
- Building variance materials no longer requested with revised plans
- Espinosa confirmed stipulations with Bernick

Planning Commission Discussion:

- Trew discussed the plans are an improvement- appreciate revisions and if commercial not developed would this become residential and maintenance of properties
- Natelli discussed the site will be graded for positive drainage and would be mowed and maintained and changes would require this same process to be submitted
- Duncan discussed the plans addressed comments good to move project forward
- Hitt discussed like revised plans and if outparcel maintenance should be a condition of motion and asked if revised plans for residential would have to come back before the Planning Commission
- Staff confirmed yes on revision process back before Planning Commission and maintenance stipulation is the Planning Commission's decision and City's property maintenance code requirements are in place regarding high grass
- McNeal discussed liking the approach of design and no stored development waste materials on the out lots
- Garrett discussed plans include revisions requested by Planning Commission
- Espinosa discussed appreciate revised plans and desire for commercial developments of the out lots and explained staff stipulations
- Ellis discussed paving of Robert Cartwright Drive and Dry Creek along project
- Natelli discussed previous city agreement about final surface paving along project lengths but they would not be responsible for any existing asphalt binder repairs and no maintenance process or bond after final paving and striping due to issue with bond expiration
- Parnell entered the meeting

Motion:

Trew made the motion to approve the request with staff stipulations to the City Commission, seconded by Hitt. Roll call vote completed. The motion passed 11-0

Item#2 **Echo Hills Estates Master Plan/Civil Design Consultants, LLC:** Requests approval of final master /construction plans for phase five (5) and phase six (6) including sixty (61) single family home lots on 18.7 acres on Solitude Circle. Property referenced as Davidson County Tax Map/Parcel 03300002900 and is zoned LDRPUD, Low Density Residential Planned Unit Development. Property Owner- J.D Eatherly (# 07-19) (DEFERRED MARCH MEETING)

Item Representative: Jared Gray, Civil Design Consultants

Staff Discussion:

- History of plan approvals including 2019 re-approval of original master plan to allow project to be completed
- Storm water drainage main issue and plans have revised for phase five (5) and six (6) areas to drain into detention pond in phase six (6) and original plans include sections draining to detention pond in first phase along Campbell Road
- Homeowners association would not approve alterations to existing pond so design changed
- Staff explained roadway slope and variance included with revised plans including intersection cross slope to be five (5%) with a section of roadway to be increased up to 11.2% with maximum per regulations at ten (10%)
- Staff discussed the original approved construction plans in 2007 included a 9.7% slope including across the intersection so the variance would be to increased roadway slope for section to improve intersection cross slope
- Staff presented approval recommendation presented with the following stipulations:

Approval with the following stipulations prior to any City land disturbance permit or building permits being issued and staff to report to Planning Commission the final staff and engineer consultant's approval of the stipulation items:

1. City's Engineer consultant review of revised drainage calculations (will report update at meeting)
2. Additional design information including headwalls and support calculations needed for the twenty-four (24") outlet pipe shown on lot 117 connecting the drainage flow from ditch behinds lot 109-117 to detention pond in phase six (6).
3. Label entry slope Solitude Court at intersection (revised grade but slope% not labeled)
4. Fire hydrant to be within 600' feet of all houses on Solitude Way other hydrant locations labeled in phases five (5) and six (6)

-Gray discussed will work with City Staff and City's consultant engineer on the remaining stipulation items

Planning Commission Discussion:

-Commissioners discussed the revised plans and Duncan discussed if the detention pond area in a utility easement then should the existing pond be used
-Gray discussed believes the pond is in an easement but this design best with directing water to pond in phase six (6) and eliminates the perception of more drainage in existing pond and possibility of clogged drainage facilities not functioning properly and concerns with concrete flume connection

Motion:

Wheeler made the motion to approve the request with staff stipulations, seconded by Lynn. Roll call vote completed. The motion passed 11-0

Freeman corrected that total number of homes is sixty-one (61) instead of sixty (60) confusion with agenda and staff stated sixty-one (61) is correct number. Gray discussed no change in lot numbers.

Item#3 **Goodlettsville Elementary School/Barge Cauthen Associates:** Request site plan for a 81,797 sq.ft. elementary school on 11.9 acres at 514 Donald Ave. Property referenced as Davidson County Tax Map/Parcel# 02605013100 and is zoned R25 Low Density Residential. Property Owner: Nashville Metropolitan Government (#4-21)

Item Representative: Suzanne Jackson, Barge Cauthen Associates

Staff Discussion:

-Project is a replacement of existing project which does not include any storm water detention or water quality facilities and include detail of fire truck turn study
-New site includes both storm water detention and water quality- with by-pass design-staff presented project drainage calculations
-Staff recommendation is a limited storm water detention pond on north side of project to assist with velocity control- due to downstream issue on the north side of Rivergate Parkway
-Staff discussed playful architectural design and two (2) story design and wanted to show that print outs and picture to show primary colors accent designs

-Jackson discussed the area of the requested limited detention facility is in area of future building expansion and requested consideration for energy dissipater or outlet spread feature to assist with velocity instead of storm water detention- calculations show design meets city requirements

Planning Commission Discussion:

-Commissioners discussed excitement with project and thanks to Metro School Board to keep project funded and a priority and the project will be wonderful for city
-Espinosa discussed stipulation and Jackson's request
-Trew asked about sidewalk dimension along front of the project
-Staff stated five (5') feet they are using existing sidewalk except at revised entrance designs
-Duncan expressed thanks on project and building design
-Wheeler discussed planned opening date and number of kids planned for
-Jackson discussed planned to be used for the 2022-2023 school year and 600 kids

- Ellis discussed Metro moving fifth (5th) grader back to elementary school
- Staff discussed would request City's engineer consultant to review revised velocity control designs for north side of project area

Motion:

Tinnin made the motion to approve the request with stipulation for additional storm water outlet designs to meet staff request, seconded by Duncan. Roll call vote completed. The motion passed 11-0

Planning Commission took a recess at 5:57 pm and resumed at 6:01 pm

Item#4 **Jon and Lana Lemay, Property Owners:** Request alternative design approval for a proposed limited visibility 1,600 sq. ft. accessory building on 2.01 acres at 106 Essex Ct. Design review per Zoning Ordinance Section 14-208 (1)(c). Property referenced as Davidson County Tax Map/Parcel#02504012700 and is zoned R15 Medium Density Residential

Item Representative: Jon and Lana Lemay, Property Owners

Staff Discussion:

- Presented city requirements for accessory building including matching primary house exterior materials and colors with buildings over 375 sq. ft. which is case with this proposal and material review by Planning Commission
- Request based on limited visibility of proposed accessory building and presented photo and proposed design (metal siding to match house colors) per applicant submittal
- Sent letters to adjacent property owners include agenda and received no calls on the information sent

Staff approval recommendations presented:

- Front of building to include a mixed brick front to match the house design and all metal wall panels and roof panels to be a similar color of the house wall and roof colors
- Evergreen landscaping type screen be planted to screen visible side wall sections from neighboring properties

- Lemay discussed proposal and height based on their camper they want to park in building and height proposed height limited as much as possible since twenty-eight (28') shown on plans with proposed 4:12 roof pitch
- Staff discussed height maximum is eighteen (18') feet at average roof height- recent ordinance amendment any variance would be through the Board of Zoning Appeals since height and size type issue not materials

Planning Commission Discussion:

- Parnell asked about heights proposed
- Tinnin discussed with information presented will not be able to reduce height per ordinance

- Duncan discussed five (5) acre provision in ordinance was intended for flexibility and this example another issue that comes up and owner can submit height variance to the Board of Zoning Appeals
- Parnell discussed proposal and questioned mixed brick design per staff stipulation
- Staff discussed consistency with house including roughly a third brick on the front of the house
- Ellis discussed the future residential development behind property and visibility limitation discussed would not apply to future project and building might be in back yard of houses built in future project- which would be visible at time of construction of the homes
- Tinnin discussed Ellis comment being valid about future visibility
- Lemay discussed trees in area behind proposed building they would maintain on their property
- Whitaker left the meeting
- Trew discussed with proposed widths and door size then front wall then room for only limited brick- so along building sides instead and house and proposed building colors
- Lemay discussed the house and proposed building color would be a moss green
- Parnell discussed the third height would be five (5') feet which would a lot on sides so could review three (3') feet on sides and front which would be twenty (20%) percent
- Trew discussed plans submitted and painting and material proposal
- Espinosa discussed a twenty (20%) percent to twenty-five (25%) percent brick requirements and discussed staff's proposed stipulations
- Whitaker had to leave the meeting

Motion:

Duncan made the motion to approve the request with twenty (20%) percent brick on all building walls and evergreen landscaping screen along visible sides of building from adjacent properties, seconded by Garrett. Roll call vote completed. The motion passed 10-0. Whitaker not present at time of vote

- Staff requested confirmation that landscaping would be required with brick on all sides of the building and Planning Commission confirmed the landscaping screen required

Item#5	Zoning Ordinance Amendment-Planning Staff: Request recommendation to the City Commission to amend the Zoning Ordinance Sections 14-201 Provisions Relating to Construction of Language and Definitions (3), 14-207 Industrial District Regulations (3)(c) Prohibited Uses to include reference to Tennessee Code Annotated Title Seven (7) Chapter Fifty-One (51), Part Fourteen (14) regarding defined location restrictions for adult oriented establishments and expanded definitions.
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Staff Discussion:

- Per City Managers and Planning Commission prior discussion the ordinance is based on currently the city not having a zoning district designated for the use and concern could be challenge of discrimination if tried in court
- Amendment not intended to include use but regulate location due to discrimination concerns
- Reviewed other ordinance examples and state law provisions with City Manager and City Attorney
- IG Districts including along I-65 include limited areas meeting state law spacing requirements
- Presentation of IG zoning districts in the city and separation measurements per state law

-Amendment would include novelty book stores also which per current ordinance depends on principal use- example Myatt Drive shop outside of Goodlettsville City limits not regulated business per Metro's business regulations

Planning Commission Discussion:

- Espinosa discussed zoning districts and applicable locations
- Staff discussed South Cartwright Street but future areas possible due to non-conforming uses that could change
- Espinosa discussed state law and could separation be increased over 1,000 ft
- Freeman discussed can't be more restrictive but could be reduce less than 1,000 ft
- Freeman discussed a reasonable placement very limited per state law with area for one use
- Ellis discussed the amendment and no designated zoning for the use and with a court case could be determined to allow them anywhere they want to go
- Espinosa discussed if minimum separation could be increased in proximity to interstate
- Hitt left the meeting
- Parnell discussed concern with clear visibility along I-65 and high rise signs for the business, proximity to downtown Nashville and to trucking center and other optional locations being more hidden
- Parnell discussed concern of being known as city with use along I-65 visibility and other areas of city possibly Rivergate Parkway area
- Freeman discussed other local cities in area do not have the uses and impact of city having I-65 frontage
- Espinosa discussed this is a necessary exercise and concerned with signage for use adjacent to I-65 and if specific sign regulations would apply
- Freeman discussed the request could be reviewed as a constitutional first amendment issue
- Staff discussed the IG zoning districts are not in the City's Interstate sign district and concern with separate sign regulations for different uses – regulation limited to harmful or obscene language and example given of adult world but not be either
- Espinosa discussed the questions are based on concern
- Trew asked how literal the definitions would apply to hotels and in room movie rentals
- Staff discussed that would depend on business advertisement and proposed use instead of in room movie rentals of all types
- Freeman discussed difficulty of enforcing hotels like private residences regarding resident's privacy
- Duncan discussed measurement provisions of ordinance
- Staff discussed ordinance measurement could cross jurisdiction boundaries
- Duncan discussed other cities with limited ordinances in place and difficulty of regulating business but without something the example old Kmart building could have been questioned for use – amendment provides guidance to the businesses – good to move regulations forward
- Wheeler discussed being proactive is better and important with growth of Nashville area
- Tinnin and McNeal discussed pro-active preferred move forward with amendment
- Parnell discussed agreement with moving forward and requested city to review purchasing Cartwright Street property to control property use

Motion:

Garrett made the motion to approve and move forward with ordinance, seconded by Duncan. Roll call vote completed. The motion passed 9-0. Whitaker and Hitt not present at time of vote

DISCUSSION ITEMS

- Allen Road Extension Public Hearing
- Staff discussed will plan for public meeting at the June Meeting

With no further business, the meeting adjourned at 7:10 pm.

Chairman Tony Espinosa

Addam McCormick, Planning Director

CITY OF GOODLETTSVILLE
PLANNING COMMISSION MEETING AGENDA
Monday May 3, 2021 5:00 PM

STAFF REPORT

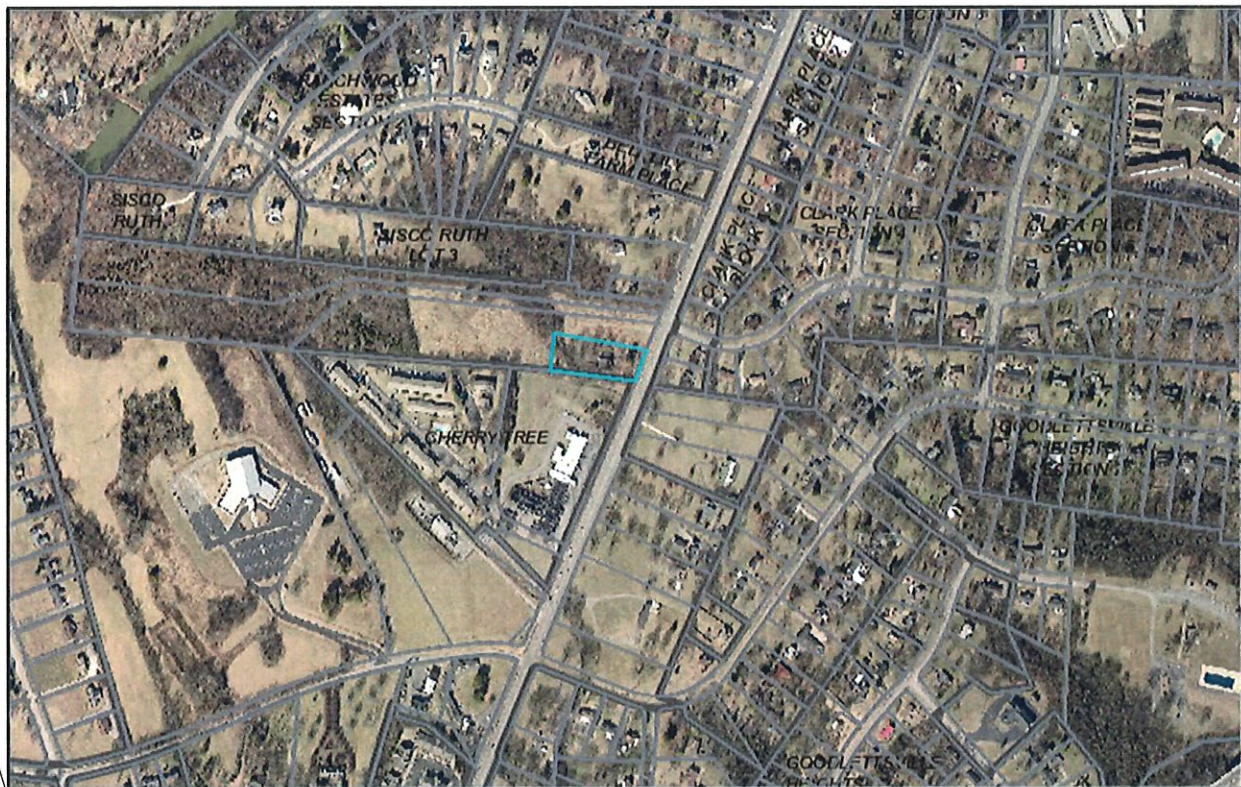
DISCUSSION ITEMS:

-805 Dickerson Road- Mixed Use Development Proposal- 1.2 Acres

-Property Zoning: CPUD, Commercial Planned Unit Development

-Comprehensive Land Use Plan Designation: Commercial Development with residential uses behind the property.

Staff has received a preliminary request for a small mixed use development on the property with commercial/office uses along Dickerson Road and a limited townhouse/multi-family residential section behind the frontage commercial area. Staff discussed since the current zoning does not permit residential then the Planning Commission and City Commission has the ability to review a master plan including special uses, an amendment to the Zoning Ordinance to include a secondary residential use in the CPUD zoning district, or partial property rezoning. Staff has requested the applicant to be at the meeting to discuss the proposal.

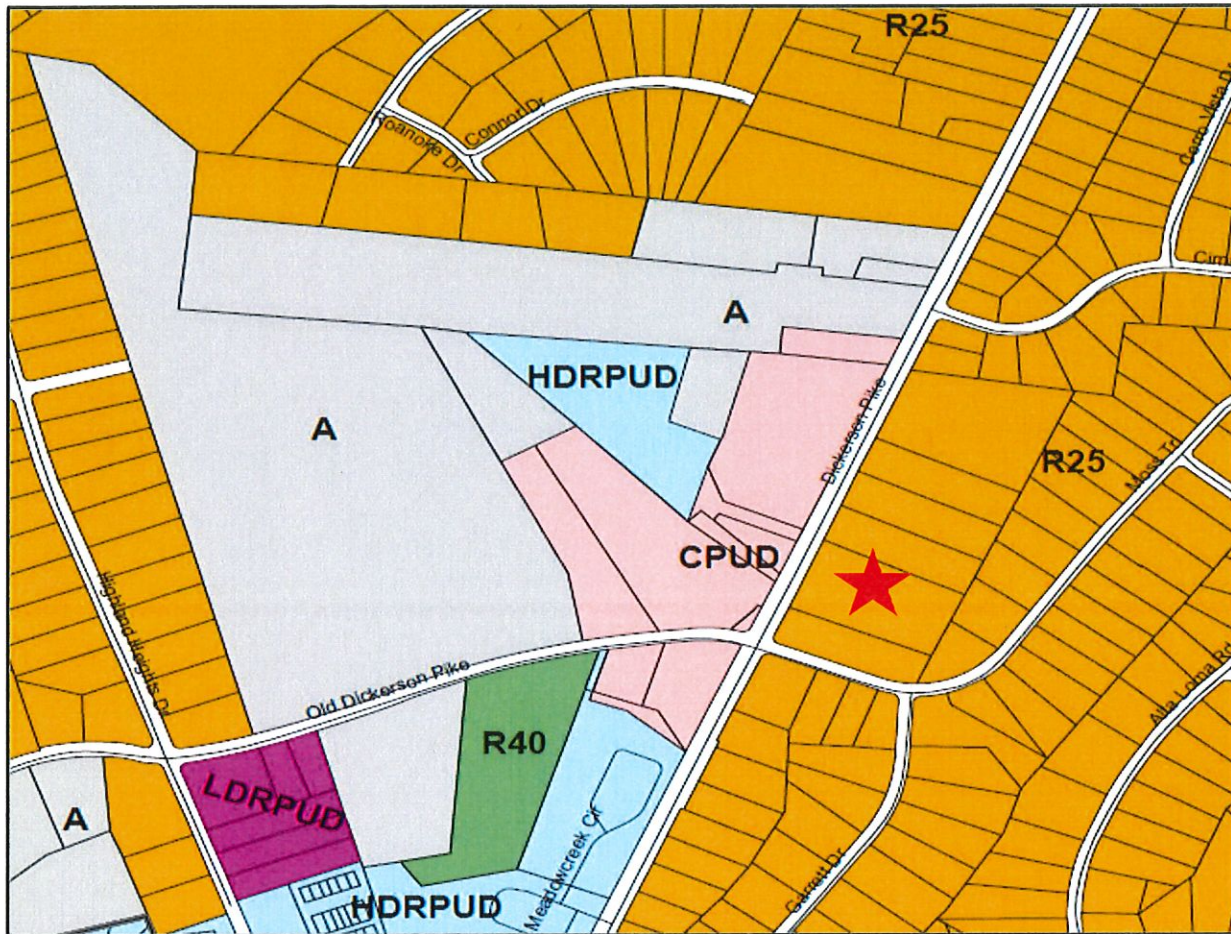


-820 Dickerson Road- Commercial Proposal -3.69 Acres

-Property Zoning: R-25, Low Density Residential Planned Unit Development-Comprehensive
Land Use Plan Designation: Low Density Residential Conservation

Staff has received a preliminary request to rezone the property to commercial for a real estate office use. The properties along the eastern side of Dickerson Road between the Shevel and Dry Creek Road intersections are zoned residential. Rezoning the property would also require an amendment to the City's Comprehensive Land Use Plan. Staff has requested the applicant to be at the meeting to discuss the proposal.





-Zoning Ordinance Amendment Regional Center Draft

The Planning Commission in December 2020 adopted a Comprehensive Land Use Plan designating high and low intensity regional center areas. The next step will be to develop a zoning ordinance amendment to include the Regional Center designation as a zoning district. The high intensity section would be RC1 and the lower intensity would be RC2. The following draft provisions will provide the basic outline of the upcoming zoning amendment. The intention with the Regional Center regulations is for maximum flexibility by Planning Commission through a master plan process to enforce the emphasis on mixed use, streetscape frontage pedestrian oriented designs.

-Development approval process can be either adding the zoning classification under the planned unit development section of the zoning ordinance which includes a preliminary master plan approval process with the property rezoning requests. Another option is to set up the Regional Center as a base commercial zoning district and not require a preliminary master plan with the rezoning phase. A master plan would still be required with the second option but only the Planning Commission would review and approve the plan following the property rezoning process. The second zoning process option would provide an easier property sale process for existing property owners not interested in developing the properties meeting the specific design

characteristics of the Regional Center regulations which is based on the proposed use and design of the property.

-Permitted Uses per the attached chart showing highlighted permitted uses. All other uses would not be permitted.

Building and Property Dimension Requirements:

-RC1- Ten (10) stories maximum subject to available fire protection equipment, water supply, and emergency vehicle site access. Minimum building height four (4) stories or similar height building height design

-RC2- Seven (7) stories maximum subject to available fire protection equipment, water supply, and emergency vehicle site access. Minimum building height three (3) stories or similar height building height design

-RC1 and RC2 Transition Zones- Properties along the perimeter of the Regional Center Comprehensive Land Use Plan designated area to include reduced building heights, mass, and scale to step down for consistency with developed areas. The minimum building height would apply.

-RC1 limited to a residential density of forty (40) units per acre including a minimum ground floor non-residential use along Rivergate Parkway

-RCS limited to a residential density of twenty (25) units per acre

-RC1 minimum lot area 30,000 square feet minimum street frontage one hundred (100') feet

-RC2 minimum lot area 15,000 square feet minimum street frontage seventy-five (75') feet

-RC1 and RC2 minimum building and parking lot open space setbacks are to be minimum of five (5') feet unless Planning Commission authorizes setbacks less than five (5') feet for streetscape and zero-lot line designs subject to available fire protection equipment, water supply, and emergency vehicle site access

-RC1 and RC5 to meet the provisions of the Design Guidelines with ground floor designs to include strong pedestrian street scape designs with glass store fronts and pedestrian and outdoor use designs. Building designs to reduce mass and scale along streetscapes and at transitional building height zones

Street and Site Design:

-All new streets to be public streets with interconnected street grid system with multiple connections and pedestrian oriented streetscape design with a minimum sidewalk width of eight (8') feet along both sides of existing and new streets

-Additional pedestrian connections to adjacent developments and public use areas within designated public right-of-way or public access easements

-All new utilities to be underground main and service lines- Planning Commission may review relocation of existing lines with developments at the back or service area of the project

-Minimum parking requirements can be met on-site or in a collective off-site shared private or public parking area except that all required residential use parking shall be met on-site only. A parking needs study may be submitted with master plan for proposed reduced parking needs due to the intention of the Regional Center pedestrian oriented mixed use area.

-All building loading and trash service areas to be located at the rear of the project with buildings constructed along streets for the intended street scape design.

-Storm water quality and quantity designs may be on-site or in shared collective off-site public or private facilities within designated public utility and drainage easements

-Site landscaping limited to screen parking areas and streetscape plantings including street trees and building foundation type planters. The transitional buffers along the perimeter of the Regional Center Comprehensive Land Use Plan to be minimum fifteen (15') feet in width with solid wall or fence design with dense evergreen screen along the perimeter of the wall or fence. The minimum height of wall, fence, evergreen planting screen height to be a minimum of eight (8') feet and maximum height of twelve (12') feet

-Development signage limited to building wall, awning, and projecting signs. Ground signs limited to seven (7') feet in height and fifty (50') square feet except pole signs per the provisions of the City's Sign Ordinance section of Zoning Ordinance are permitted along Rivergate Parkway.

The Planning Commission during the master plan phase may approve alternative designs meeting the intention of the provision above due to property or adjacent property or right-of-way limitations

-Residential Parking/Sidewalks- Garage Orientation

-Staff has received comments from residents about vehicles blocking sidewalks due to multiple vehicles being parked between the garage and sidewalk. Possible zoning ordinance amendments to address the issue could be increased front building setbacks or recessed front loaded garage setbacks increased to a minimum forty-five (45') feet to include available parking for four (4) parking spaces between garage and sidewalk, court yard or side loaded garages, secondary alley way street system for garage parking, designated on-street parking, separate off roadway interconnected sidewalk system, or a combination of the items. The additional parking, increased setbacks, and alley way designs require additional property due to either width or depth for increased lot areas and increased development and construction cost associated with reduced lot and density counts and more concrete and paving construction and maintenance expenses. A City Commissioner has requested staff review and develop revised residential planned unit development standards to address issues with building designs, parking, and street trees as discussed in study session last year. Blocking sidewalks is a parking enforcement issue

that would require dedicated full time enforcement by city in residential neighborhoods. Reviewing and developing residential development designs to facilitate more than anticipated parking on smaller properties would be best for addressing the issue long term. Staff will prepare draft amendments at an upcoming meeting for review prior to formal approval request.

-Design Standards Prohibited Materials- Updated State Law

The recently approved state law listed below was adopted in response to numerous cities prohibiting vinyl siding and other similar materials in zoning ordinances and design standards. The law applies to new regulations and even requires existing regulations to be adopted again meeting the special title and headings of the amendments and approval provisions listed below by September 1st. The state adopted a similar approval process years ago with any cities and counties that wanted to maintain the single family, duplex, and townhouse fire sprinklers requirements per the International Building and Residential Code requirements. This particular law was an alternative from the provisions of the law exempting the particular fire sprinkler requirements. The new law references permitting exterior materials per adopted codes which include code sections for vinyl and metal siding in addition to numerous other methods including fire ratings based on building use and size and dimensions to property lines. Design guidelines and similar regulations are separate from construction and installation building and residential code sections. The City's Design Guidelines and Zoning Ordinance sections listed below apply to new commercial and industrial developments, new planned unit developments including houses, attached townhouse, apartment and condo residential units. Industrial developments are permitted metal siding per the City's regulations. The City's regulations per other state law sections would not apply to existing residential zoned (R40, R-25, R15) properties and subdivision in these base (non-planned unit development) zoning districts. The City has the option to readopt the current Design Guidelines and Zoning Ordinance sections as currently written with a waiver review approval process by the Planning Commission (City's Design Review board) with the purpose of permitting additional materials. Another option is to include a provision to permit other materials as secondary permitted materials with the minimum fifty (50%) percent brick or stone primary material requirement. The second option would clearly meet the intention of the new state law. The discussion will be used for the preparation of an upcoming amendment recommendation to the City Commission to meet the September 1st deadline. The risk of not doing anything could result in a legal challenge of the City's exterior material requirements being determined to be in violation of state law.

State Law Sections:

ON APRIL 21, 2021, THE HOUSE ADOPTED AMENDMENT #1 AND PASSED HOUSE BILL 749, AS AMENDED.

AMENDMENT #1 rewrites this bill and revises present law provisions governing statewide building construction safety standards. Present law requires the state fire marshal to promulgate rules establishing minimum statewide building construction safety standards. The standards must be designed to afford a reasonable degree of safety to life and property from fire and hazards incident to the design, construction, alteration and repair of buildings or structures.

Present law mandates that the *standards must not discriminate against or in favor of particular construction materials or techniques*. This amendment specifies that the prohibition regarding "techniques" applies to "construction techniques" and:

(1) Authorizes a local government to adopt a regulation or code, pertaining to construction materials by ordinance or resolution, as appropriate, by majority vote. If passage of the ordinance or resolution requires two readings, then the requirement may only be adopted after reading it in open session of the legislative body at meetings on two different days. If passage of the ordinance or resolution requires three readings, then the last two readings must occur on two different days. A proposed requirement pertaining to construction materials must be a separate item on the agenda and include, in bold type and all caps, the following statement in the meeting notice: THE PROPOSED ORDINANCE REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS;

(2) Requires that consideration of a requirement pertaining to construction materials be by separate vote. If the requirement is to be part of a general ordinance or resolution, then the requirement pertaining to construction materials must be severable from the rest of the ordinance or resolution, and voted on separately;

(3) Provides that if a local government seeks to modify a regulation, code, or ordinance adopted pursuant to this amendment, then the local government must make the modification in the same manner as required to adopt a requirement;

(4) Mandates that a regulation, ordinance, or code adopted pursuant to this amendment must not prohibit a particular construction material that is approved by a national building code or the state fire marshal;

(5) Requires that a regulation, ordinance, or code adopted pursuant to this amendment allow for the consideration of waivers of the adopted regulation, ordinance, or code pertaining to construction materials, in whole or in part, during the development approval process;

(6) Specifies that denial of a waiver related to a regulation, ordinance, or code referenced in item (5) will not constitute a prohibition under item (4); and

(7) Provides that, except to the extent local law conflicts with this amendment, this amendment neither grants nor removes local governmental authority to promulgate provisions under home rule charters, private acts, or general state law.

The provisions of this amendment regarding a local government's adoption of a regulation or code, pertaining to construction materials do not limit the professional judgment of a licensed design professional with respect to electrical, mechanical, or plumbing standards.

For purposes of local government adoption of a regulation, code, or ordinance relating to construction materials, this bill as amended will take effect upon becoming law. *For all other purposes, this bill as amended will take effect September 1, 2021.*

Existing State Law Section- Tennessee Code Annotated

6-54-133. Design review commission — Authority — Members — Appeal of decisions. Any municipality may create a design review commission (DRC) having the authority to develop general guidelines for the exterior appearance of **nonresidential property, multiple family residential property**, and any entrance to a nonresidential development within the municipality. The municipal governing body may designate the planning commission as the DRC. When the municipality creates a separate DRC, the mayor shall appoint the members of the DRC from residents of the municipality and shall strive to ensure that the membership is representative of the municipality as a whole, including, if possible, members with either architectural or engineering knowledge, or any other person having experience in nonresidential building. Any property owner affected by the guidelines may appeal a decision of the DRC to the municipality's planning commission or, if there is no planning commission or if the municipality has designated the planning commission as the DRC, to the municipality's governing body.

Goodlettsville Design Guidelines:

5. Color and Materials

Objective: To utilize color and materials to provide visual interest while not distracting and dominating the architectural character of the building.

- Building façade colors shall be of low reflectance, subtle, neutral or natural earth tones.

Primary and metallic colors shall be prohibited except

when used in accent elements to create interest but shall not exceed fifteen (15%) of the building walls. National “standard” or “trademark”

designs shall be adapted to be compatible with these standards.

- Natural materials are preferred consisting of brick and natural or masonry stone. Each building wall shall at a minimum include fifty (50%) of these materials. Minimum percentage exceptions may be considered as detailed in these standards and for walls that are not visible by the public if the required brick and stone material is relocated to the other building walls.

- The following buildings materials are acceptable:

- Brick;
- Natural or masonry stone;
- Exterior walls with aluminum insulated panels and glass may be permitted up to seventy-five (75%) percent of building walls when used in combination with brick, natural or masonry stone;
- Exterior insulation and finish system (trade name Drivit) or similar material, if used in combination with brick or natural and masonry stone;
- Wood or fibrous cement board (simulated wood fibrous cement siding) if used in combination with brick or natural and masonry stone;
- Glass but excluding opaque or reflective window tints and glazes may be permitted up to seventy-five (75%) percent of building walls when used in combination with brick, natural or masonry stone.
- Split face block if used in combination with brick or natural and masonry stone;

- Similar materials as approved by the Goodlettsville Municipal/Regional Planning Commission

• *Metal exterior siding or wall panels, vinyl siding, aluminum siding, tilt-up panels, artificial non-masonry stone are prohibited materials.* This section-

shall not be interpreted to prohibit the use of metal roofs and decorative metal wall materials used as accents to create interest but shall not

exceed fifteen (15%) percent of building walls. See Item#9 regarding Industrial developments in industrial zoning districts.

- Where the Goodlettsville Zoning Ordinance requires, in developments with multiple buildings, a common color palette should be established to create a harmonious appearance.

- The color palette of a building should be coordinated to establish a defined hierarchy of tones.

- Variation in the use of materials is encouraged to create interest.

- Along Main Street and in the commercial core overly zone, certain façade materials including transparent windows are required to create a unified appearance. The designer should also consult with the planning staff relative to the use of color and materials in the downtown district of Goodlettsville.

- Industrial buildings shall incorporate on building walls fronting public street(s) a minimum thirty-three (33%) percent brick, natural or masonry stone.

Other building walls areas are permitted to be metal panels, tilt-up concrete panels, and other items listed above with item #3.

- Alternative design proposal for Community developments in residential zoning districts are permitted regarding an increased percentage of the materials permitted with item#3 but each building wall shall have at least thirty-three (33%) percent of natural materials consisting of brick and natural or masonry stone. Exceptions may be considered for walls that are not visible by the public if the required brick and stone material is relocated to the other facades.

- The fifteen (15%) percent maximum provision listed in items # 1 and #4 shall not exceed a total of fifteen (15%) percent of building walls if both decorative metals panels and primary and metallic colors are proposed reconstruction are also subject to Design Review and shall comply with the standards established by this document.

Amended per Ordinance 17-885 January 26, 2017

Zoning Ordinance Sections:

14-208 (4)(i)(c)

(i) The following building materials are acceptable for exterior walls:

(A) Brick;

(B) Natural stone;

(C) Exterior insulation and finish system (trade name Dryvit) or similar material, if used in combination with brick or stone;

(D) Wood;

(E) Glass but excluding opaque or reflective window tints and glazes;

(F) Split face block;

(G) Similar materials as approved by the Goodlettsville Municipal/Regional Planning Commission

All other materials shall be prohibited. These materials include vinyl or aluminum siding, fiberglass, tilt-up concrete panels and artificial stone. This section shall not be interpreted to prohibit the use of metal roofs.

APPENDIX A

P- PERMITTED USE

N- NOT A PERMITTED USE

C- PERMITTED ONLY BY CONDITIONAL USE

TABLE I

LAND USE ACTIVITY MATRIX

ZONING DISTRICTS

ACTIVITY	LDR MDR HDR														CP CPL GO RO									
	A	R40	R25	R15	R10	R7	PUD		MHP*	OP	CSL	CS	CG	CC	INT ****	PUD		IR	IG	RC1	RC2			
PERMANENT RESIDENTIAL																								
Dwelling, attached	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N	N	N	N	N	P	P			
Dwelling, one-family detached	P	P	P	P	P	P	P	P	P	N	C	N	N	N	N	N	N	N	N					
Dwelling, two-family detached	N	N	N	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N					
Dwelling, semi-detached	N	N	N	N	P	P	N	N	P	N	N	N	N	N	N	N	N	N	N					
Dwelling, multi-family	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N	P	P			
Dwelling, mobile home	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N					
Bed & Breakfast Homestay	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N					
Mobile Home Park	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N					
SEMI PERMANENT RESIDENTIAL																								
COMMUNITY FACILITY ACTIVITIES																								
Administrative	C	C	C	C	C	C	N	P	N	N	P	P	P	P	N	P	P	P	P	P	P			
Community Assembly	N	N	N	N	N	N	P	P	P	N	C	P	P	P	C	N	P	P	N	P	P			
Community Education	C	C	C	C	C	C	P	C	P	N	C	C	C	N	C	N	N	N	N	P	P			
Cultural and Recreation Services	C	C	C	C	C	C	C	C	C	N	C	P	P	N	C	N	P	N	P	P	P			
Essential Services	C	C	C	C	C	C	C	N	C	C	C	P	P	C	N	P	P	P	P	P	P			
Extensive Impact	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N	N	C	C			
Health Care	N	N	N	N	N	N	N	N	N	N	P	P	C	N	C	N	P	N	P	P	P			
Institutional Care	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N	N	N	N			
Intermediate Impact	C	C	C	C	C	C	P	**	P	N	C	C	C	C	C	N	N	N	N	C	C			
Personal & Group Care	**	**	**	**	**	**	**	N	P	**	C	C	C	C	C	N	P	N	P	N	C			
Religious Facilities	C	C	C	C	C	C	N	N	N	N	P	P	C	N	N	C	N	N	N	C	N			
COMMERCIAL ACTIVITIES																								
Animal Care & Veterinarian Services	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	P	N	N	P	P			
Automotive Parking	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	P	P	P	P	P			
Automotive Repair and Cleaning	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	P	P			
Automotive Servicing	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	N	N	P	P			
Building Materials and Farm Equipment	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	P	P			
Consumer Repair Services	N	N	N	N	N	N	N	N	N	N	N	C	P	P	C	N	P	P	P	P	P			
Construction Sales & Services	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	P	P			
Convenience Commercial	N	N	N	N	N	N	N	N	P***	N	N	P	P	P	N	P	P	P	P	P	P			
Entertainment & Amusement Services	N	N	N	N	N	N	N	N	N	N	C	C	P	P	N	N	P	P	N	N	P			
Financial, Consultive, & Administrative	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	P	P	P	N	N	P			
Food & Beverage Services	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P			
Food Service Drive-in & Drive-thru	N	N	N	N	N	N	N	N	N	N	P	P	P	N	P	P	P	N	N	P	P			
General Business & Communication Service	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	P	P	P	N	P	P			
General Personal Services	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	P	P	P	N	N	P			
General Retail Trade	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N	P			
Group Assembly	N	N	N	N	N	N	N	N	N	N	N	C	N	C	N	P	N	N	N	N	P			
Medical Services	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	P	P	P	P	N	P			
Scrap Operations	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
Transient Habitation: Hotel	N	N	N	N	N	N	N	N	N	N	P	P	P	N	P	P	N	N	N	N	P			
Transient Habitation: Motel	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	P	N	N	N	N	N			
Transient Habitation: Extended Stay Hotel/Motel	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	P	P	N	N	N	N			
Transient Habitation: Short Term Rental Property	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N	N	P			
Transient Habitation: SRO	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
Transport & Warehousing	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	P	P			
Undertaking Services	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	P	N	N	N	N	N			
Vehicular, Craft & Related Equipment Sales	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N	N	P			
Wholesale Sales	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	P	N	P	N	P	P			
Tourist Oriented Limited Manufacturing*****	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	N	N	N	C	N			
MANUFACTURING ACTIVITIES																								
Limited	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	P	P			
Intermediate	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P			
High Technology Manufacturing, Assembly, Processing	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	P	P			
Extensive	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
AGRICULTURAL, RESOURCE PRODUCTION & EXTRACTIVE																								
Agricultural Services	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
Crop & Animal Raising	P	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
Mining & Quarrying	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
Plant & Forest Nurseries	P	C	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N	N	N			
Confined Animal Feeding Operations	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			

*Mobile Home Park

**All such facilities are prohibited with the exception of Day Care Homes as defined in Section 14-1409(e)(2)(g) which shall be permitted by conditional use

***May be considered only when the PUD contains 200 dwelling units or more.

**** Interchange Overlay District limitation of uses per Ordinance 13-806. Retail limited to convenience market in relation to a fuel and service station.

***** Tourist Oriented Limited Manufacturing: Limited manufacturing permitted in CG and IR zoning districts and conditional use would only apply for alcoholic beverages.

High Technology Manufacturing, Assembly, and Processings per Ordinance# 12-784

INFORMATION EFFECTIVE ON SEPTEMBER 11, 2020 Check for any Zoning Ordinance Amendments or Updates after this date.