

C. LAND USE PLAN

1. LAND USE PLAN MAP

The permitted uses of land within the Project Area are as shown on R.P. Map No. 2, "Land Use Plan Map", and as further described in the following sections.

2. LAND USE PROVISIONS AND BUILDING REQUIREMENTS

In order to achieve the objectives of this Redevelopment Plan, the redevelopment and use of land located within the Project Area will be made subject to all requirements and restrictions specified in this section. All improvements affecting the exterior appearance of property and requiring building permits must be approved by a Design Review Committee designated by the Executive Director of MDHA. Review of improvements affecting any property that is listed on or eligible for listing on the National Register of Historic Places shall be coordinated with Metro Historical Commission, where applicable. The Board of Commissioners of MDHA may supplement this Plan with rules and standards to assist the Design Review Committee in interpreting this Plan as it relates to appropriate uses, design, color, setbacks, landscaping, parking, ingress and egress and other restrictions in accordance with this section.

a. General Land Use Districts:

Within the areas shown on R. P. Map No. 2, "Land Use Plan Map", the following uses shall be permitted:

(1) Arterial Mixed Use District:

Intent: To provide for residential development, facilities, businesses, and services characteristic of a high density urban area along a major pike, to support the contiguous residential neighborhoods and for specialty services catering to a larger market.

Permitted Uses

Multi-family Dwellings
Assisted Living and Retirement Facilities
Hotels/Motels
Churches
University-related Facilities
Schools
Daycares
Offices
Medical Offices/ Hospitals

General Retail
Service Retail
Restaurants
Theaters
Cultural Facilities
Public Facilities and Parks

Conditional Uses: The following uses may be permitted in the Arterial Mixed Use District if it is so designed, located and proposed to be compatible with surrounding land uses and operated such that the public health, safety and welfare will be protected and will not adversely affect other property in the area;

Wholesale Sales
Warehousing
Light Manufacturing
Parking Structures (only when incorporating ground-level active uses along street frontages)
Restaurants Featuring Drive-through Service
Automobile Sales
Automobile Repair/ Service

Prohibited Uses:

Surface Parking (except as an ancillary use)
Car Washes (except as an ancillary use)
Nightclubs
Liquor Stores
Adult Entertainment
Detached Single-Family Dwellings & Duplexes

(2) Mixed Use District:

Intent: To provide for a mixture of uses of moderate density off the major pike with limited freight transportation needs and a strong residential component.

Permitted Uses

Multi-family Dwellings
Assisted Living and Retirement Facilities
Hotels/Motels
Churches
University-related Facilities
Schools
Daycares
Offices

to describe the context of the development, including off-site structures and conditions. Where the development is to be accomplished in stages, a description of the proposed staging shall accompany the site plan. Any or all of these specific requirements may be waived as unnecessary by MDHA. Development shall conform to the approved site plan. New buildings should be built close to the sidewalks along street frontages in the interest of establishing a more consistent street edge. Expansion of public sidewalks as a component of new development is encouraged.

(2) **Landscape Treatment**

Those portions of lots or parcels of land which are not built upon or are not paved for parking or pedestrian ways shall be planted and maintained in accordance with a landscaping plan. The detailed landscaping plan shall be submitted for review and approval by MDHA before issuance of any associated permits. The landscaping plan shall contain the existing and proposed topographical contours of the site, designations of all existing landscaping which will be retained, location of all existing trees or other plants having a trunk diameter of six (6) inches or more, the locations of all proposed exterior lighting fixtures, the area to be lighted by each exterior lighting fixture, and the design of each exterior lighting fixture. Any or all of these specific requirements may be waived as unnecessary by MDHA.

(3) **Buffering**

The Zoning Code of the Metropolitan Government will generally determine buffering requirements for new development. However, MDHA may require additional buffering to afford commercial, residential, and pedestrian interests protection from traffic, noise, glare, trash, odors, negative visual impacts and other harmful effects likely to be caused by the introduction of a more intensive use. The materials required and the use of buffers will be determined based upon the relative intensities of adjacent uses. The accumulation of trash, debris, or any noxious materials shall be prohibited.

(4) **Exterior Design**

For any new development, redevelopment or improvement, building elevations shall be prepared which show the detailed architectural design of all faces of proposed buildings, including all proposed building materials and finishes. The building elevations shall be submitted for review and approval by MDHA before issuance of any associated building permits. As the project area is currently heterogeneous in scale, massing, and general character, new development may deviate from existing development in its context. Detailed architectural plans for any building addition shall be submitted for review and approval by MDHA before issuance of any associated building permits. MDHA shall review all

proposals for development, redevelopment and improvement to ensure that a high standard of architectural and structural quality is maintained.

(5) Construction Approvals

No improvement requiring a building permit (including new structures, additions, parking facilities, and signs) shall be erected, installed, enlarged, or altered until plans and permits have been approved by MDHA.

(6) Off-Street Parking

All off-street drives and parking areas shall be surfaced with asphalt, concrete, or other hard-surfaced, dustless material and so constructed as to provide for adequate drainage. Head-in parking off public streets shall not be permitted. Alley or rear access parking is strongly encouraged. Width of parking access from all streets in the Redevelopment District shall be limited to minimize interruptions to sidewalks.

(7) Signs

Signs shall be limited to on-premise signs, related to the use or business conducted on the same site, and to incidental signs of a clearly general nature such as to portray time, temperature, or announcements of activities taking place at the location. No billboards or general advertising signs shall be permitted. Detailed signage plans shall be submitted for review and approval by MDHA and shall be permitted only when designed and placed in scale and harmony with the improvements on the building site and surrounding development as described in the "Redevelopment District Signage Guidelines" adopted by the MDHA Board.

(8) Temporary Structures and Interim Uses

Temporary structures used in connection with construction on any lot or street within the Project Area shall be permitted with the approval of MDHA. On property which it has acquired but which has not yet been developed, MDHA may establish such interim uses as it deems desirable in the public interest consistent with local zoning and codes requirements. Requests for installation of portable buildings shall be reviewed and approved by MDHA relative to design, materials, location, and impact on neighboring properties.

(9) Vehicular Accommodation and Service Areas

The Zoning Code of the Metropolitan Government will generally determine requirements for the design of vehicular accommodations, including parking, and service areas. However, MDHA may make additional requirements to ensure that vehicular and service areas are so designed as to adequately serve the development but to minimally impact neighboring properties.

(10) Demolition

No demolition permit shall be issued prior to approval of a plan for re-use by MDHA. If property is to be kept vacant or put to another interim use, the property owner must supply plans demonstrating proposed site plan, including grading, landscaping, fencing, and any remaining structures. For structures deemed to have historic or significant architectural value, each application for demolition shall be considered, taking into account economic hardship and the importance of the structure to the district. Should the application for demolition not be approved by MDHA and the owner is unwilling or unable to undertake repairs or improvements to the property or bring it into conformance with the plan, such failure on the part of the owner shall be deemed sufficient cause for MDHA to acquire the property.

(11) Process for Appeal from action taken by MDHA Design Review Committee

In order to ensure due process for an applicant whose plans for development, redevelopment, or signage are disapproved by the MDHA Design Review Committee, the Executive Director of MDHA shall appoint an Administrative Appeals Board, consisting of three members of MDHA management. The Board will hear appeals associated with any/all action taken by MDHA's Design Review Committee in the enforcement of provisions of this Redevelopment Plan. Permittee may appeal a decision of the Design Review Committee to the Administrative Appeals Board within three (3) days after notification of Design Review Committee action. If permittee requests a hearing, MDHA shall convene a meeting of the Administrative Appeals Board which shall hear evidence and make a determination (by majority vote) as to whether the appropriate decision was reached by the Design Review Committee.

In the case that the Redevelopment Plan restrictions or requirements of the Design Review Committee are violated, MDHA shall notify the permittee and/or the owner of record of the alleged violation. MDHA may also notify the Zoning Administrator, the Metropolitan Legal Department, and/or other legal counsel in order to seek enforcement of the Redevelopment Plan, including the pursuit of all remedies available at law or in equity, including the rights to pursue mandatory injunctions and/or other specific performance.

c. Duration of Land Use Controls

The provisions of this Plan, specifying the land uses for the Project Area and the requirements and restrictions with respect thereto, shall commence upon approval of the Plan by the governing body of the Metropolitan Government of Nashville and Davidson County, and shall continue in effect until December 31, 2037.