

AMENDMENT NO. 6

TO

ORDINANCE NO. 89-1011

Mr. President:

I move to amend Ordinance No. 089-1011 by adding a  
Section to be numbered "9" as follows:

Section 9. That the Executive Director of MDHA and the District Council representative for the largest portion of the Five Points Project Area shall jointly appoint an advisory committee to monitor the redevelopment project and make recommendations to assist MDHA in setting priorities for implementing the Five Points Redevelopment Plan. The committee shall include the District Council representative together with at least five persons representative of the area business, residential, and religious community.

INTRODUCED BY:

  
\_\_\_\_\_  
Member of Council

ADOPTED: January 2, 1990

AMENDMENT NO. 5

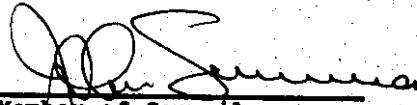
TO

ORDINANCE NO. 89-1011

Mr. President:

I move to amend Ordinance No. 089-1011 by substituting "Section A. Table of Contents" in the text of the "Five Points Redevelopment Plan" dated October 10, 1989 with a new "Section A. Table of Contents" dated January 2, 1990 which is attached hereto and made a part of this amendment.

INTRODUCED BY:

  
Member of Council

ADOPTED: January 2, 1990

## **FIVE POINTS REDEVELOPMENT PLAN**

### **A. TABLE OF CONTENTS**

This Redevelopment Plan dated October 10, 1989, consists of, and only of, the following Text, Exhibits and Maps:

#### **I. TEXT**

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October 10, 1989

Redevelopment Plan Map No. 2, Land Use Plan,  
October 10, 1989

Redevelopment Plan Map No. 3, Proposed Land  
Acquisition, October 10, 1989

#### **III. EXHIBITS**

Exhibit "A", Boundary Description

January 2, 1990

AMENDMENT NO. 4

TO

ORDINANCE NO. 89-1011

Mr. President:

I move to amend Ordinance No. 089-1011 by substituting "Section D. Land Acquisition" in the text of the "Five Points Redevelopment Plan" dated October 10, 1989 with a new "Section D. Land Acquisition" dated January 2, 1990 which is attached hereto and made a part of this amendment.

INTRODUCED BY:

  
Member of Council

ADOPTED: January 2, 1990

## **FIVE POINTS REDEVELOPMENT PLAN**

### **Section D. Land Acquisition**

#### **1. PROPERTY DESIGNATED FOR ACQUISITION**

Property designated for acquisition is identified on the "Land Acquisition Map," R. P. Map No. 3. Acquisition is necessary to provide for the redevelopment of vacant and underutilized land, to eliminate structures which, because of poor initial construction, inadequate maintenance, obsolescence or other conditions, are not suitable for rehabilitation; to eliminate non-conforming land uses which are detrimental to the area or the redevelopment of Five Points; to provide for the replatting of land and the development or adjustment of streets, alleys and pedestrianways; and to assemble suitable disposition tracts. It is not proposed to acquire all acquisition parcels at the time of approval of this Plan, but as funds are available and the private market would support redevelopment.

#### **2. PROPERTY DESIGNATED FOR CONSERVATION**

Property targeted for conservation and rehabilitation is designated on the "Land Acquisition Map," R. P. Map No. 3.

#### **3. CONDITIONS BY WHICH LAND MAY BE EXEMPTED FROM ACQUISITION**

Certain properties or portions thereof designated for acquisition may be exempted from acquisition as provided herein. Exemption may be made if it will not require a change in the Land Use Plan or plans for street or utility improvements; the exemption and/or permitted continuation of a non-conforming or a detrimental use by MDEA will not adversely affect the use and/or disposition of adjoining parcels acquired or to be acquired or the redevelopment project as a whole; and the owner of any such parcel agrees to eliminate any



non-conforming use on the parcel as may be requested by MDHA, to rehabilitate all structures on the parcel, use the land and structure in accordance with the provisions of this Plan for its duration, acquire such land as deemed necessary by MDHA to conform to current local zoning and codes requirements, and/or sell any portions of the tract as deemed necessary by MDHA for street right-of-way or other purposes. Any such exemption shall be made conditional until the owner has complied with all of the requirements of a contractual agreement to be executed by and between the owner and the MDHA. It is the intent of the foregoing, in accordance with Tennessee Code Annotated 13-20-105, to permit the existing owner of property within the Project Area to develop his or her own property without the threat of eminent domain if such owner desires to do so and the owner's parcel can be redeveloped by itself without affecting the objectives of the Plan as to the owner's parcel or adjoining or adjacent properties thereto, and said owner signs an agreement with MDHA to abide by this Plan.

4. CONDITIONS BY WHICH LAND NOT DESIGNATED FOR ACQUISITION MAY BE ACQUIRED

In order to achieve the objectives of the Plan, it may be necessary and MDHA is authorized to acquire certain properties in the Project Area in addition to those designated on R. P. Map No. 3, "Land Acquisition Map." Additional parcels may be acquired at the request of the owner; to provide for necessary adjustments in utility easements or street, alley or pedestrian rights-of-way; to eliminate dilapidated or deteriorated structures which may be found to exist following subsequent surveys of interior conditions where the owner of the property shall have been notified and accorded a reasonable time, in no case less than ninety (90) days from the date of notice, to bring the structure into compliance with

applicable building and housing codes; to provide clear and marketable title for vacant or abandoned properties; to eliminate any non-conforming uses in conflict with the "Land Use Plan," R. P. Map No. 2, or local zoning which are in close proximity and clearly detrimental to the stabilisation of properties designated for conservation as one or two family dwelling areas in accordance with the Plan; or to eliminate buildings which may encroach upon existing or planned rights-of-way whether they be totally or only partially located within the Project Area.

5. SPECIAL CONDITIONS FOR CHURCH AND RESIDENTIAL PROPERTY

No owner occupied residential properties or church properties used for the conduct of religious services shall be acquired by MDHA in accordance with this Plan except with the consent of the owner.

January 2, 1990

3  
AMENDMENT NO. 3

TO

ORDINANCE NO. 89-1011

Mr. President:

I move to amend Ordinance No. 089-1011 by adding the phrase: "with the exception of church buildings for the conduct of religious services, existing owner occupied one or two family dwellings, or the construction of affordable one or two family dwellings for sale or rent to low and moderate income families" to the end of the last sentence in "Section C.2.b. General Regulations and Controls" on Page 9 of the text of the "Five Points Redevelopment Plan" dated October 10, 1989.

INTRODUCED BY:

  
Member of Council

ADOPTED: January 2, 1990



AMENDMENT NO. 2

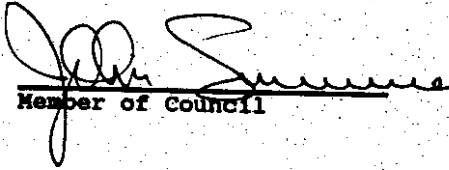
TO

ORDINANCE NO. 89-1011

Mr. President:

I move to amend Ordinance No. 089-1011 by substituting "Section B.3. Proposed Redevelopment Actions" in the text of the "Five Points Redevelopment Plan" dated October 10, 1989 with a new "Section B.3. Proposed Redevelopment Actions" dated January 2, 1990 which is attached hereto and made a part of this amendment.

INTRODUCED BY:

  
Member of Council

ADOPTED: January 2, 1990

## FIVE POINTS REDEVELOPMENT PLAN

### Section B.1. Proposed Redevelopment Actions

The ultimate objective of the Land Use Plan is to create an environment conducive to the development and improvement of a neighborhood commercial center and neighborhood commercial corners and stabilization of residential neighborhoods in the Five Points Project Area to the benefit of all residents of the area, especially those of low and moderate income through improved employment opportunities, availability of commercial services, and improved housing. The various proposals of the Plan have been adopted to remove the conditions which have created or contributed to the substandard character of improvements and social conditions in the Project Area and restore the vitality of the area through redevelopment and rehabilitation. The types of actions necessary to achieve this objective are:

- a. The acquisition of land through negotiation, condemnation, or otherwise for public purposes; for private infill development where the condition of title, the diverse ownership of real property to be assembled, street or lot layouts, or other conditions prevent a proper development of the property in accordance with the Land Use Plan; and for the purpose of removing, preventing, or reducing blight.
- b. Demolition, clearance and relocation as necessary within the Project Area to achieve the objectives of the Plan.
- c. Closing, vacating, or relocating various streets, alleys, pedestrianways, or utilities.
- d. To provide for and construct improved streets.

alleys, public facilities, open spaces, and pedestrianways.

- e. Negotiation of agreements with developers to undertake redevelopment of property in accordance with the Land Use Plan.
- f. Coordination and targeting of programs for housing rehabilitation and stabilizing the stock of housing affordable for low and moderate income families.
- g. The conduct of market studies to determine the needs of area residents, including those of low and moderate income, as a basis for selecting projects or developers in accordance with the Plan.

January 2, 1990

AMENDMENT NO. 1

TO


ORDINANCE NO. 89-1011

Mr. President:

I move to amend Ordinance No. 089-1011 by adding parts "l," "m," and "n" to the text of the "Five Points Redevelopment Plan" in "Section B.2. Redevelopment Plan Objectives," as follows:

- "l. To prevent displacement of low and moderate income persons, both homeowners and tenants, as a result of revitalization efforts undertaken as part of the Plan.
- m. To prevent permanent displacement of neighborhood businesses and services meeting the needs of low and moderate income residents and promote the benefit to low and moderate income residents of businesses attracted to the area by the Plan by providing increased employment opportunities and local businesses and services.
- n. To stabilize the stock of standard housing affordable to low and moderate income persons, both homeownership and rental, to prevent indirect displacement of such residents as a result of neighborhood revitalization."

INTRODUCED BY:

  
Member of Council

ADOPTED: January 2, 1990

ORDINANCE NO. 089-1011

AN ORDINANCE APPROVING THE FIVE POINTS  
REDEVELOPMENT PLAN

WHEREAS, the Metropolitan Development and Housing Agency has completed studies and prepared a plan for redevelopment entitled "Five Points Redevelopment Plan," (herein referred to as the "Plan") consisting of a text, Exhibit "A" attached thereto, and Redevelopment Plan (R.P.) Maps 1, 2, and 3, all dated October 10, 1989, which have been filed with and referred to the Metropolitan Council of Nashville and Davidson County, Tennessee (herein referred to as the "Governing Body," for review and approval; and

WHEREAS, the Metropolitan Development and Housing Agency has examined the area proposed for inclusion in the redevelopment project and determined that it is a blighted area with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use, or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community and that such conditions should be eliminated in the public interest and the members of this Governing Body have been duly apprised and are aware of these conditions; and

WHEREAS, the project is located in Metropolitan Nashville and Davidson County, Tennessee and is to be undertaken by the Metropolitan Development and Housing Agency in accordance with and in furtherance of the objectives of Article I, Sections 8 and 21 and Article II, Section 28 of the Constitution of Tennessee: 'The Housing Authorities Law,' Chapters 20 and 45, Public Acts of Tennessee of 1935 (1st Extraordinary Session), as amended; Chapter 114 of Public Acts of Tennessee of 1945, as amended; Chapter 181 of Public Acts of Tennessee of 1955 (said statutes now codified in Section 13-20-201 through 216, Tennessee Code Annotated); and

WHEREAS, the Metropolitan Development and Housing Agency desires to utilize the tax increment funding provision pursuant to T.C.A. 13-20-205 in furtherance of its projects; and

WHEREAS, the Plan for the area prescribes certain land uses and controls and provides for the acquisition by negotiation, condemnation or otherwise of certain properties for public use or for resale to a redeveloper or developers; and

WHEREAS, the members of the Governing Body have carefully considered and reviewed the proposal for redevelopment, including the relocation of businesses and families that may be displaced; and

WHEREAS, in order to implement the Plan, the Governing Body must approve and authorize certain actions;

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That it is hereby found and determined that the redevelopment area defined by the Plan entitled "Five Points Redevelopment Plan," dated October 10, 1989, is a



blighted area as defined in and in accordance with Sections 13-20-201 through 13-20-216, Tennessee Code Annotated; that conditions existing therein are detrimental to the safety, health, morals or welfare of the people of Nashville and Davidson County, that said area or such portions thereof as deemed necessary for acquisition by the Metropolitan Development and Housing Agency by negotiation, condemnation or otherwise, as provided by Tennessee Code Annotated 13-20-104 and so designated pursuant to the Plan, or any amendment or amendments thereto, should be so acquired by the Metropolitan Development and Housing Agency; and such blighting conditions eliminated.

Section 2. That the Plan entitled "Five Points Redevelopment Plan," consisting of a text, Exhibit "A" attached thereto, and related maps, R. P. Maps 1, 2, and 3, all dated October 10, 1989, as filed with the Metropolitan Clerk, is hereby in all respects approved.

Section 3. That it is hereby found and determined that the Plan for the project area conforms to the General Plan for Nashville.

Section 4. That the use of tax increment funding pursuant to T.C.A. 13-20-205, is hereby approved for undertaking activities specified in the Plan.

Section 5. That it is hereby found and determined that, in addition to the elimination of blight from the project area, the undertaking of the project in such area will further promote the public welfare and proper development of the community.

Section 6. That it is hereby found and determined that the Plan for project area will afford maximum opportunity consistent with sound needs of the locality as a whole, for the redevelopment of the area by private enterprise.

Section 7. That the Metropolitan Clerk is directed to file this Ordinance together with the Plan referred to herein as a part of the minutes of this meeting.

Section 8. That this Ordinance shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.


APPROVED by Metropolitan  
Development and Housing Agency:

  
Executive Director

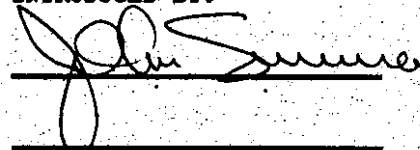
APPROVED by Metropolitan  
Planning Commission:

Executive Director

APPROVED AS TO LEGALITY OF  
FORM AND COMPOSITION:

  
MDHA Attorney

INTRODUCED BY:

  
Member(s) of Council

**METROPOLITAN DEVELOPMENT AND HOUSING AGENCY  
NASHVILLE AND DAVIDSON COUNTY,  
TENNESSEE**

**FIVE POINTS REDEVELOPMENT PLAN**

**October 10, 1989**

**FIVE POINTS  
REDEVELOPMENT PLAN**

**PREFACE**

The Five Points Redevelopment Project is located in Metropolitan Nashville and Davidson County, Tennessee and is undertaken by the Metropolitan Development and Housing Agency, hereinafter referred to as "MDHA", in accordance with and in furtherance of the objectives of Article I, Section 8 and 21, Article II, Section 28, of the Constitution of Tennessee: The Housing Authorities Law, Chapters 20 and 45, Public Acts of Tennessee 1935 (1st Extraordinary Session), as amended; Chapter 114 of Public Acts of Tennessee of 1945, as amended; Chapter 181 of Public Acts of Tennessee of 1955; said statutes now codified in Sections 13-20-201 through 13-20-216 Tennessee Code Annotated. The Metropolitan Council of Nashville and Davidson County has declared the area to be a blighted area within the scope of Section 13-20-201, Tennessee Code Annotated.

## A. TABLE OF CONTENTS

This Redevelopment Plan dated October 10, 1989, consists of, the following Text, Exhibits and Maps:

### I. TEXT

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<b>H. PROCEDURE FOR CHANGE IN THE APPROVED PLAN.....</b>	<b></b>
<b>I. SEVERABILITY.....</b>	<b></b>

### II. MAPS

Redevelopment Plan Map No. 1, Project Boundary Map,  
October 10, 1989

Redevelopment Plan Map No. 2, Land Use Plan,  
October 10, 1989

Redevelopment Plan Map No. 3, Proposed Land  
Acquisition, October 10, 1989

### III. EXHIBITS

Exhibit "A", Boundary Description

#### B. DESCRIPTION OF PROJECT AREA

Five Points is located approximately two miles east of downtown Nashville and serves as the commercial focus for the Lockeland Springs, East End and Edgefield neighborhood areas. Significant residential preservation activities have been occurring in these neighborhoods, portions of which are included within historic or conservation zoning districts. At one time, Five Points was a traditional neighborhood commercial area providing goods and services for area residents. Today, it is dominated by automobile repair and related services. With cooperation of neighborhood residents and merchants, MDHA completed a proposed design and economic strategy in 1983. Certain aspects of the Five Points Design Plan have been implemented by MDHA including facade and business loans; brick sidewalks; street trees; and parking improvements. Continued improvement to the area and elimination of blight has been hampered by the continued presence of automobile repair and storage uses which are incompatible with the revitalizing neighborhoods surrounding Five Points and do not contribute to the development of a mix of neighborhood supporting businesses necessary to further improvement of the area.

The general physical condition of the Five Points and adjacent residential areas is blighted. Deteriorated buildings and incompatible land uses in the form of automobile and storage uses are the primary elements contributing to the conditions of blight prevailing in the area. In addition to the main neighborhood commercial center at Eleventh and Woodland Streets, the Project Areas contains a smaller commercial district at South Eleventh and Fatherland Streets and smaller commercial corners at scattered locations. The revitalization of these commercial areas and the stabilization or proper development of vacant or underutilized land at the boundary between these commercial districts and the residential neighborhood will



be important factors in the elimination of blight and the prevention of its occurrence.

1. BOUNDARIES OF THE PROJECT AREA

The boundaries of the Project Area are shown on Redevelopment Plan (R.P.) Map No. 1, "Project Boundary Map," and are as described in Exhibit "A", which is attached.

2. REDEVELOPMENT PLAN OBJECTIVES

The specific provisions and actions incorporated in the Plan have been developed and are necessary to achieve the following objectives:

- a. To establish harmonious land use patterns and provide sites adequate for the planned development of new residential and commercial uses.
- b. To provide for redevelopment of the Project Area, wherein non-conforming or deleterious land uses and the present subdivision and ownership of land precludes the orderly assemblage and desired changes in the use of land.
- c. To eliminate substandard housing through acquisition and demolition or through a conservation program for the rehabilitation of existing residences where feasible and compatible with the Land Use Plan.
- d. To clear and provide for redevelopment of portions of the Project Area in which a change in type or intensity of land use is necessary. Within these areas, it may be required, and is within the objectives of this Plan, that certain buildings which are not structurally substandard may be acquired and demolished.
- e. To establish standards and guidelines for the redevelopment and continued use of the area which will assure adequate light, air, open-space, off-

street parking, and the future stability of the entire area through quality development.

- f. To provide for the relocation of businesses and residents where necessary to accomplish the objectives of the Plan.
- g. To eliminate and prevent the recurrence of blight.
- h. To eliminate vacant lots by monitoring development and actions encouraging effective and desirable uses of land in accordance with the Plan.
- i. To revitalize the Five Points Neighborhood Commercial District basically in accordance with the recommendations of the Five Points Design Plan.
- j. To provide for the layout of new streets, pedestrianways and other public improvements necessary to support the redevelopment of the area.
- k. To enhance the neighborhood preservation goals and achievements of the Lockeland Springs, East End, and Edgfield neighborhoods.

### 3. PROPOSED REDEVELOPMENT ACTIONS

The ultimate objective of the Land Use Plan is to create an environment conducive to the development and improvement of a neighborhood commercial center and neighborhood commercial corners and stabilization of residential neighborhoods in the Five Points Project Area. The various proposals of the Plan have been adopted to remove the conditions which have created or contributed to the substandard character of improvements and social conditions in the Project Area and restore the vitality of the area through redevelopment and rehabilitation. The types of actions necessary to achieve this objective are:

- a. The acquisition of land through negotiation, condemnation, or otherwise for public purposes; for private infill development where the condition of title, the diverse ownership of real property to be assembled, street or lot layouts, or other

conditions prevent a proper development of the property in accordance with the Land Use Plan; and for the purpose of removing, preventing, or reducing blight.

- b. Demolition, clearance and relocation as necessary within the Project Area to achieve the objectives of the Plan.
- c. Closing, vacating, or relocating various streets, alleys, pedestrianways, or utilities.
- d. To provide for and construct improved streets, alleys, public facilities, open spaces, and pedestrianways.
- e. Negotiation of agreements with developers to undertake redevelopment of property in accordance with the Land Use Plan.

#### C. LAND USE PLAN

##### 1. LAND USE MAP

The permitted uses of land within the Project Area are as shown on R.P. Map No. 2, "Land Use Plan," 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 as sold or leased by MDHA and all land designated on R.P. Map No. 3, "Proposed Land Acquisition," whether so acquired or not, will be made subject to all requirements and restrictions specified in this section. All provisions of this section shall likewise apply to parcels not being acquired under provisions of this Plan when the owner of such parcel shall acquire land designated on the "Proposed Land Acquisition Map," R.P. Map No. 3, as an addition to the tract not designated for acquisition. No improvements on such property may be made, extended

or enlarged unless the land assembled together and including property not to be acquired shall be in accordance with all controls of this section. All redevelopment on parcels as sold, leased or under redevelopment agreements through MDHA as well as any improvements in the area subject to the General Controls at Section C.2.b. of this Plan must be approved by a design review committee designated by the Executive Director of MDHA. Due to the presence of historic and conservation zoning district overlays in the Project Area, design reviews shall be coordinated with the staff of the Metropolitan Historical Commission and the Metropolitan Historical Zoning Commission. 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. Permitted Uses

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

(1) One and Two Family Residence

Intent: To provide for one and two family dwellings

Uses:

Detached dwellings for one or two families

Churches or other places of worship

Public and private schools or day care centers meeting all State and local requirements

Public parks, playgrounds, and recreation facilities

Public buildings and utility facilities to serve the neighborhood.

Accessory uses customarily incident to any of the above.

(2) General Residential

Intent: To provide sites for multiple family residential development.

Uses:

Any of the uses permitted under One and Two Family Residence.

Multiple family dwellings

Accessory uses customarily incident to any of the above.

(3) Neighborhood Commercial

Intent: To provide for facilities, businesses, services and other uses which serve and support the contiguous residential neighborhoods and for specialty services catering to a larger market. Where this district is applied to small commercial corners designated as "Limited Commercial Service Districts" on the Metropolitan Zoning Map, the more restrictive set of uses for such zoning districts in the Metropolitan Zoning Regulations shall apply.

Uses:

Business, professional and non-profit organization offices.

Banks, loan offices, insurance offices, and other financial institutions.

Retail establishments for the convenience and service of the ultimate consumer, but not including motor vehicle sales-rooms or lots. Retail businesses may include those that manufacture articles to be sold on the premises only.

Restaurants or other eating and drinking establishments but not drive in eating or drinking facilities.



**Automobile Parking**

**Sound recording and video production facilities**

**Service businesses such as barber shops or beauty salons, undertaking, shoe repair, jewelry or watch repair, self-service laundry and dry cleaning facilities, etc., but not including garages for repair or storage of motor vehicles, contract construction yards, or repair facilities for any equipment other than household appliances or office machines.**

**Nursing homes or other group living quarters.**

**Colleges and universities or their related facilities.**

**Hospitals and their related facilities**

**Accessory uses customarily incident to any of the above.**

**(4) Mixed Use**

**Intent:** To provide for mixed neighborhood commercial and residential uses in the same district or structure, primarily through the conservation and conversion of existing residential structures to mixed uses.

**Uses:**

**Any uses permitted under Neighborhood Commercial or General Residential Bed-and-breakfast inns, but not group living quarters for semi-transient or permanent residents.**

**b. General Regulations and Controls**

**In order to achieve the objectives of the Five Points Redevelopment Plan, the following general regulations and controls shall apply to all land**

within the Project Area developed, redeveloped, or improved subsequent to the approval of this Plan whether or not such land was acquired or subject to acquisition by MDHA.

(1) Site Plan

In the development, redevelopment, or improvement of all lots and parcels of land, the buildings and improvements shall be planned and designed as an entity. A site plan shall be prepared which shows buildings, structures, appurtenances, walls, fences, signs, driveways, parking and service areas, walks, utilities, plantings, grades and elevations and any other facilities which are proposed. The site plan shall be submitted for review and approval by MDHA, and where the development is to be accomplished in stages, a breakdown and staging of the proposed construction shall accompany the site plan. The site plan shall contain a scale, north arrow, map and parcel number, property address, all property and street lines, all existing easements, the location of all off-site buildings within fifty feet of the site boundaries, and the location and capacity of all existing public utilities unless any or all of these specific requirements shall be waived as unnecessary by MDHA. Development shall conform to the approved site plan.

(2) Landscaping Treatment

Those portions of lots or parcels of land which are not built upon or are not paved for parking or pedestrianways shall be planted in accordance with a landscaping plan and shall be maintained in accordance with such a plan. The detailed planting plan shall be developed based on the approved site plan and shall be submitted for

review and approval by MDHA prior to its execution. A landscaping plan shall contain the existing topographical contours of the site, any and all proposed new 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 materials and colors of each exterior lighting fixture unless any or all of these specific requirements shall be waived as unnecessary by MDHA.

(3) Exterior Design

On newly constructed buildings, all of the exposed sides of a structure, (i.e. any building wall not abutting another) shall be treated architecturally with finish materials in character with the main facade of the building. For additions, finishes should be compatible with the existing building and the exterior materials of buildings on adjacent properties. Similarly, the exterior design and treatment of other facilities (e.g. courts, plazas, terraces, walls, walks, steps, etc.) shall be in character with the building. Elevations shall be submitted to MDHA which will review and approve them with respect to general design and materials affecting exterior appearances. Elevations shall contain a scale, elevations of all existing structures which are to be retained, elevations of all new additions or new construction, location of all signs to be mounted or placed on any structure on the site,

and designations of all proposed materials which will be exposed, including color and texture.

(4) Construction Approvals

No parking area or parking facilities and no building or other structure or improvement (including signs and loading docks and ramps) shall be erected, placed, enlarged, or altered until the construction plans and specifications and the plans showing the location of the facilities, improvements, and structures on the land have been approved in writing by MDHA, its successor, or assigns, as to compliance with the restrictions set out herein and also as to the sufficiency and beauty of landscaping and the adequacy and location of parking facilities.

(5) Outdoor Storage

The storage of equipment, materials, or goods, in open areas of any lot or parcel of land shall be screened from view by fence, wall, hedge, plantings, or other appropriate means of screening, provided the storage of such equipment, materials or goods are normal or customarily incidental to the uses. The accumulation of trash, debris, or any noxious materials shall be prohibited.

(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.

(7) Signs

Signs are limited to those which apply only to the use or business conducted on the same site and to incidental signs for the convenience and direction of the public or of a clearly general nature such as, to portray time, temperature, or

announcements of activities taking place at the location. Signs will be subject to review and approval of MDHA, and will be permitted only when designed and placed in harmony with the improvements upon the building site and surrounding development. Billboards, roof signs, flashing, moving or seeming to move, or intermittently illuminated signs shall not be permitted. Signs shall be further limited as follows:

- Free-standing identification for multiple-family buildings, office buildings, businesses, nursing homes, churches, institutions, schools or any public building shall be limited to one per such use for each street on which the use has frontage. Such signs shall not exceed eighteen (18) square feet each in size and, if illuminated, shall be indirectly illuminated only.
- Temporary signs, such as "for sale, rent or lease" shall not exceed nine (9) square feet and no more than one such sign may be permitted on each street on which the property has frontage. If illuminated, the signs shall be indirectly illuminated only.

(8) Temporary Structures and Interim or Alternate

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, for successive periods up to six months each. 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.



(9) Off-Street Loading and Unloading

A service area with adequate off-street loading and unloading space to accommodate pick-up and/or delivery of goods by truck, removal of waste materials, delivery of fuel, and other servicing functions required for buildings and structures shall be provided for all uses excepting single or multiple-family residence of less than five dwelling units. A service area shall provide space for parking a least one medium-sized truck (i.e. a parking space of not less than twelve feet by thirty feet) plus space necessary for maneuvering. The service area shall not encroach upon any space provided for off-street automobile parking, but maneuvering space may be shared. MDHA shall determine if the service area is adequate for the off-street loading and unloading requirements of the particular use and building proposed. Wherever feasible and practicable, a service area may serve a group of buildings on the same lot or adjacent lots. These requirements are in addition to and do not supersede zoning or other regulations pertaining to loading areas.

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, 2020.

#### D. LAND ACQUISITION

##### 1. PROPERTY DESIGNATED FOR ACQUISITION

Property designated for acquisition is identified on the "Land Acquisition Map," R. P. Map No. 3. Acquisition is necessary to provide for the redevelopment of vacant and underutilized land, to eliminate structures which, because of poor initial construction, inadequate maintenance, obsolescence or other conditions, are not suitable for rehabilitation; to eliminate non-conforming land uses which are detrimental to the area or the redevelopment of Five Points; to provide for the replatting of land and the development or adjustment of streets, alleys and pedestrianways; and to assemble suitable disposition tracts. It is not proposed to acquire all acquisition parcels at the time of approval of this Plan, but as funds are available and the private market would support redevelopment.

##### 2. PROPERTY DESIGNATED FOR CONSERVATION

Property targeted for conservation and rehabilitation is designated on the "Land Acquisition Map," R. P. Map No. 3. Properties designated for conservation may be acquired by MDHA if a property owner fails to comply with a voluntary program of rehabilitation to eliminate building deficiencies and fails to comply or reach written agreement with MDHA to abide by the design guidelines of Section C.2.b. of this Plan where the owner of the property shall have been notified and accorded a reasonable time, in no case less than ninety (90) days from the date of notice, to bring the structure into compliance with applicable building and housing codes or reach such an agreement; a property is found to be infeasible for rehabilitation because of the excessive relative cost of repairs, impracticality of necessary alterations, hardship on the owner, recalcitrancies of the owner, or extremely deleterious conditions which would remain even if the structures

could be rehabilitated; or a property is determined to be necessary for a street right-of-way or utility easement as subsequently determined by final design and construction plans for project improvements.

### 3. CONDITIONS BY WHICH LAND MAY BE EXEMPTED FROM ACQUISITION

Certain properties or portions thereof designated for acquisition may be exempted from acquisition as provided herein. Exemption may be made if it will not require a change in the Land Use Plan or plans for street or utility improvements; the exemption and/or permitted continuation of a non-conforming or a detrimental use by MDHA will not adversely affect the use and/or disposition of adjoining parcels acquired or to be acquired or the redevelopment project as a whole; and the owner of any such parcel agrees to eliminate any non-conforming use on the parcel as may be requested by MDHA, to rehabilitate all structures on the parcel, use the land and structure in accordance with the provisions of this Plan for its duration, acquire such land as deemed necessary by MDHA to conform to current local zoning and codes requirements, and/or sell any portions of the tract as deemed necessary by MDHA for street right-of-way or other purposes. Any such exemption shall be made conditional until the owner has complied with all of the requirements of a contractual agreement to be executed by and between the owner and the MDHA.

### 4. CONDITIONS BY WHICH LAND NOT DESIGNATED FOR ACQUISITION MAY BE ACQUIRED

In order to achieve the objectives of the Plan, it may be necessary and MDHA is authorized to acquire certain properties in the Project Area in addition to those designated on R. P. Map No. 3, "Land Acquisition Map." Additional parcels may be acquired at the request of the owner; to provide for necessary adjustments in utility easements or street, alley or pedestrian rights-of-way;

to provide for the redevelopment of abandoned railroad rights-of-way; to eliminate dilapidated or deteriorated structures which may be found to exist following subsequent surveys of interior conditions where the owner of the property shall have been notified and accorded a reasonable time, in no case less than ninety (90) days from the date of notice, to bring the structure into compliance with applicable building and housing codes; to provide clear and marketable title for vacant or abandoned properties; to eliminate any non-conforming uses in conflict with the "Land Use Plan," R. P. Map No. 2, or local zoning; or to eliminate buildings which may encroach upon existing or planned rights-of-way whether they be totally or only partially located within the Project Area.

#### E. REDEVELOPERS OBLIGATION AND LAND USE CONTROLS

The MDHA, in disposing of the land in the Project Area to be redeveloped, will, in its contract and deed or other instruments of conveyance, include such terms and conditions as in the judgment of the MDHA will be necessary or advisable to ensure redevelopment of the Project Area and its use thereafter, in accordance with this Plan, and to prevent recurrence of the condition of blight or inappropriate land uses in this area. Such provisions will be contained in such contracts, deeds or other instruments of conveyance irrespective of whether they duplicate, in whole or in part, requirements of existing or proposed zoning ordinances or other local laws, ordinances or regulations with respect to the Project Area, so that such obligations may operate independently of such zoning or other laws, ordinances or regulations. In all instances, the improvements in the Project Area will be made in accordance with the applicable Metropolitan Comprehensive Zoning Ordinance provisions and regulations; building, electrical, plumbing and other local codes and ordinances;

the requirements of this Redevelopment Plan; and such other requirements as may be set forth in the contracts between MDHA and the redevelopers. Any contract or agreement for disposal of project land by sale, lease or retention shall contain, and the deed or deeds to the land shall contain a covenant that the redeveloper and its successors and assigns shall not discriminate upon the basis of race, color, creed, sex, marital status, or national origin in the sale, lease, or rental, or in the use or occupancy of the property or any improvements erected or to be erected thereon. It is intended by this Plan that the MDHA is beneficiary of all such covenants and obligations and that it shall be entitled to represent the interests and to act on behalf of the community in enforcing any covenants and obligations as to the redevelopment and continued uses of the Project Area in accordance with the Plan. Such contracts, deeds, or other instruments of conveyance, in addition to including such other terms and conditions as the MDHA may find desirable in order to implement and effectuate the objectives of this Plan, will obligate the purchasers of land in the Project Area and their successors in interest to:

- (1) Devote the parcels owned by them to, and only to, uses and controls specified in this Plan;
- (2) Diligently pursue the construction of the improvements as provided in the disposition contract, and to begin and complete such improvements within a reasonable time as provided by the contract;
- (3) Make no changes, additions or alterations in such improvements after completion of their construction and that are not approved by MDHA as being in conformity with this Plan, or as it may be changed or amended;
- (4) Not reassign contract rights, resell or otherwise transfer the land or any part thereof or interest therein purchased by them prior to the completion of

the improvements thereon without the approval of MDHA and except in cases satisfactory with MDHA, and shall not to speculate in or with respect to such land.

approved for the project. The project is not expected for.

#### P. RELOCATION ASSISTANCE

The MDHA has established plans and procedures and shall provide assistance to individuals and businesses permanently or temporarily displaced by its actions in acquiring land for implementation of this Plan. Assistance will be offered in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended, or other applicable federal, State or local laws and regulations that may be in effect at the time even though no State or federal funds may be involved with a particular project.

#### G. TAX INCREMENT

Total property taxes receivable from land in the Five Points Project Area is estimated at \$265,000 based on a total appraised value of \$16.2 million. The projected future increase in the value of property developed in conjunction with the Plan on land leased or sold by MDHA is estimated to exceed \$2 million. The total annual increase of about \$35,000 in property taxes so generated in the Five Points Project will not occur without the redevelopment activities of MDHA.

Given the conditions of blight as well as condition of title and the diversity of ownership of individual tracts evident in the Five Points Project Area, private investment and redevelopment is unlikely to occur. The activities of MDHA will make the area conducive to new private development and result in increased tax revenues to the Metropolitan Government. The area represents a very small portion of the property tax base of the Metropolitan Government which, as the taxing agency within the Project Area, will not be substantially impacted by a tax increment financing provision.



The estimated total cost of public improvements associated with the redevelopment project is approximately \$1.1 million. This amount is not inclusive of the approximately \$150,000 in Community Development Funds expended for project implementation prior to approval of the Plan. Existing and anticipated sources of revenue to finance the undertaking, including the estimated amount from tax increment backed bonds or other indebtedness are:

Community Development Funds	\$670,000
Tax Increment	\$330,000

The estimated amount of total bonded or other indebtedness from the beginning to end of the project is \$330,000. The amount of bonds or other indebtedness backed by the tax increment shall not exceed \$330,000. The final maturity date on any bonded or other indebtedness backed by the tax increment from eligible properties shall be on or before December 31, 2020. Upon retirement of all bonds, loans, or other indebtedness incurred and payable from tax increment funds or at such time as moneys on deposit in the tax increment fund or funds are sufficient for such purpose, all property taxes resulting from the incremental development of the Project shall be retained by the Metropolitan Government. Activities or improvements eligible for tax increment funding shall include planning, engineering and legal expenses; administrative costs; land acquisition; relocation; site clearance; economic development loans or other such activities necessary to preserve or create jobs primarily for those of low income; and streets, pedestrianways, utilities, public open spaces, and parking garages or other structures or public improvements necessary for carrying out the Five Points Redevelopment Project or other adopted and approved redevelopment plans.

#### H. PROCEDURE FOR CHANGES IN THE APPROVED PLAN

Prior to the sale of any project land or the execution of a contract for such a sale, this Plan may be modified, changed or amended by MDHA, with the subsequent approval of the Metropolitan Council. After part or all of the project land has been disposed of by MDHA, the Plan, including the provisions specifying the land uses for the Project Area and the requirements and restrictions with respect thereto, may be modified, changed or amended by the MDHA with the subsequent approval by the Metropolitan Council; provided, however, that in no event will the provisions of this Plan be modified in any manner which will adversely affect any as yet not fully developed land in the Project Area that has been sold or leased by MDHA, or as to which a sales contract has been entered into by MDHA, except with the written consent of the then owners of such land or of the parties to such contract, or their successors in interest.

#### I. SEVERABILITY

The invalidation of any one or more of the foregoing provisions of this Redevelopment Plan or Ordinance as approved by the Metropolitan Council of the Metropolitan Government of Nashville and Davidson County or any part thereof by judgement of any Court of competent jurisdiction shall not in any way affect the validity of any other of such provisions of the Plan but the same shall remain in full force and effect.





**FIVE ROOM  
BATHS  
KITCHENS  
STOVE  
SINK  
CUPB'D  
STOVE  
SINK  
CUPB'D  
STOVE  
SINK  
CUPB'D**





## EXHIBIT A

### BOUNDARY DESCRIPTION

Beginning at a point on the centerline of Gallatin Avenue with its intersection with Ordway Place; thence, in an easterly direction with the centerline of Ordway Place to a point on the centerline with the intersection of North 12th Street; thence, leaving said Ordway Place in a southerly direction to a point on the centerline of Forrest Avenue; thence, with said centerline of Forrest Avenue in an easterly direction 50 feet to a point being the perpendicular property line of Parcel Nos. 118 and 117 on Metro Property Map 83-9; thence, in a southerly direction with said property line to the centerline of an alley; thence, in an easterly direction with said alley centerline crossing North 14th Street to a point perpendicular to the property line of Parcel Nos. 392 and 393 on Metro Map 83-9; thence, leaving said alley centerline in a northerly direction with said property line crossing Forrest Avenue continuing in a northerly direction with the easterly property line of Parcel No. 354 on Metro Map 83-9, crossing an alley, continuing in a northerly direction with the easterly property line of Parcel No. 352 on said Map, crossing Gartland Avenue, continuing in a northerly direction with the easterly property line of Parcel No. 313 on said map, crossing an alley, continuing with the easterly property line of Parcel No. 8 on Metro Map 83-10 to the centerline of Ordway Place; thence, in an easterly direction with said centerline, crossing North 16th Street to a point perpendicular to the westerly property line of Parcel No. 131 on Metro Map 83-10; thence, in a southerly direction with said property line to an East-West alley; thence, easterly with the centerline of said alley to a point perpendicular to the westerly property line of Parcel No. 147 on Metro Map 83-10; thence, in a southerly direction with said property line crossing Gartland Avenue, continuing in a southerly direction with westerly property line of Parcel No. 154 on said map, crossing an East-West alley, continuing in a southerly direction with the westerly property line of Parcel No. 170 on said Map to the centerline of Forrest Avenue; thence, in a westerly direction with said centerline to a point perpendicular to the westerly property line of Parcel No. 176 on Metro Map 83-10; thence, in a southerly direction with said property line, crossing an East-West alley, continuing with the westerly property line of Parcel No. 186 on said Map, crossing Woodland Street, continuing in a southerly direction with the westerly property line of Parcel 196 on said Map to the centerline of an East-West alley; thence, with the centerline of said alley in a westerly direction continuing with the property line of Parcel Nos. 463 and 464 on Metro Map 83-9, crossing Lindsley Park Drive, and continuing in a westerly direction with the property line of Parcel Nos. 447 and 449 on said Map to the centerline of South 15th Street; thence, with said centerline in a southerly direction to a point perpendicular to the centerline of an alley; thence, leaving the centerline of South 15th Street with the centerline of said alley to a point being the perpendicular property line of Parcel Nos. 434 and 435 on Metro Map 83-9; thence, southerly with said property line to the centerline of Holly Street; thence, with said centerline to a point perpendicular to the intersection with a North-South alley; thence, in a northerly direction with said alley centerline to the centerline of an East-West alley; thence, with the centerline of the said East-West alley in a westerly direction, crossing South 13th Street, to the centerline of South 12th Street; thence, with the centerline of South 12th Street in a southerly direction to a point on the centerline of Holly Street; thence, in a westerly direction with the centerline of Holly Street to a point perpendicular to the centerline of a North-South alley; thence, leaving the centerline of Holly Street in a southerly direction with the centerline of said alley to a point perpendicularly with the property line of Parcel Nos. 481 on Metro Map 83-9 and Parcel Nos. 16 and 17 on Metro Map 83-13; thence, with said property line to the centerline of South 12th Street; thence, in a southerly direction with said centerline to its intersection with the centerline of Russell Street; thence, in an easterly direction with the centerline of Russell Street to a point perpendicular to the property line of Parcel Nos. 25 and 26 on Metro Property Map 83-13; thence, in a southerly direction with said property line, to the centerline of an East-West alley; thence, in an easterly direction with said alley centerline, crossing South 13th Street, to a point on the northerly property line of Parcel 52, on Metro Map 83-13; thence, in an easterly direction with said property line, crossing an alley, continuing with the southerly property line of Parcel No. 68 on said Map, crossing South Fourteenth Street, and continuing with the centerline of an East-West alley, crossing South 15th Street, South 16th Street, and South 17th Street to a point perpendicular to the westerly property line of Parcel 135 on Metro Map 83-14; thence, in a southerly direction with said property line, crossing Fatherland Street, continuing in a southerly direction



with the westerly property line of Parcel No. 199 on said Map to the centerline of an East-West alley; thence, in a westerly direction with said alley centerline, crossing South 17th Street, South 16th Street, and South 15th Street, to a point being the southeasterly corner of Parcel No. 308 on Metro Map 83-13; thence, with said southerly property line of Parcel No. 308 in a westerly direction to the centerline of a North-South alley; thence, with said centerline southerly to the intersection with the centerline of an East-West alley; thence, with said alley centerline, westerly to the centerline of South 14th Street; thence, in a southerly direction with said centerline to the intersection of the centerline of Lillian Street; thence, with the centerline of Lillian Street in a westerly direction to its intersection with the centerline of an alley; thence, in a southerly direction with the alley centerline to its intersection with the centerline of said East-West alley; thence, in a westerly direction with the centerline of said East-West alley 50 feet to the intersection of the centerline of a North-South alley; thence, in a southerly direction with said alley centerline, crossing Boscobel Street, to a point being the northwest corner of Parcel No. 178 on Metro Property Map 83-13; thence, in a southerly direction with the property line of Parcel Nos. 177 and 178 on said Map, crossing an alley, continuing with the property line of Parcel Nos. 217 and 218 on said Map, crossing Shelby Avenue, to a point being the northwest corner of Parcel No. 239 on said Map; thence, in a southerly direction with the property line of Parcel Nos. 238 and 239 on said Map to the centerline of an East-West alley; thence, with said alley centerline in a westerly direction, crossing South 11th Street, and an alley, to a point on the centerline of South 10th Street; thence, in a southerly direction with the centerline of South 10th Street to a point angular to the property line of Parcel Nos. 405 and 406 on Metro Map 82-16; thence, with said property line in a northwesterly direction to the centerline of Shelby Avenue; thence, with said centerline in a northeasterly direction 50 feet to a point perpendicular to the property line of Parcel Nos. 364 and 365 on Metro Map 82-16; thence, leaving the centerline of Shelby Avenue with said property line 175 feet to the centerline of an alley; thence, in a northeasterly direction with said alley centerline to its intersection with the centerline of South 10th Street; thence, in a southerly direction with the centerline of South 10th Street approximately 65 feet to a point perpendicular to the property line of Parcel Nos. 73.2 and 529 on Metro Map 83-13; thence, in an easterly direction with said property line 189.48 feet and to the centerline of a North-South alley; thence, with the centerline of said alley northerly to a point perpendicular to the northerly property line of Parcel 518 on Metro Map 83-13; thence, in a westerly direction with said property line to the centerline of South 10th Street; thence, with said centerline in a northerly direction to a point perpendicular to the southerly property line of Parcel No. 24 on Metro Map 83-13; thence, leaving said centerline in an easterly direction with said property line to the centerline of a North-South alley; thence, with said alley centerline to the centerline of Russell Street; thence, in a westerly direction with the centerline of Russell Street to a point on the centerline of South 10th Street; thence, with said centerline in a northerly direction to a point perpendicular to the property line of Parcel Nos. 203 and 204 on Metro Map 83-9; thence, leaving said centerline in a westerly direction with said property line to the southeast corner of Parcel No. 362 on Metro Map 82-12; thence, in a westerly direction with the centerline of an East-West alley to a point perpendicular to the property line of Parcels 79 and 80 on Metro Map 83-16; thence, leaving said alley centerline in a northwesterly direction with said property line to the centerline of Woodland Street; thence, with the centerline of Woodland Street to its intersection with the centerline of South Ninth Street; thence, in a northerly direction with said centerline to its intersection with the centerline of an East-West alley; thence, leaving the centerline of South Ninth Street in an easterly direction with the centerline of said alley to its intersection with the centerline of McFerrin Avenue; thence, in a southerly direction with the centerline of McFerrin Avenue to its intersection with the centerline of Woodland Street; thence, in a northeasterly direction with the centerline of Woodland Street to a point perpendicular to the property line of Parcel No. 359 on Metro Map 82-12 and Parcel No. 197 on Metro Map 83-9; thence, in a northwesterly direction with said property line to the centerline of an alley; thence, with said alley centerline in a northeasterly direction to a point perpendicular to the property line of Parcel Nos. 193 and 194 on Metro Map 83-9; thence, in a northwesterly direction with said property line to a point on the centerline of Main Street (Gallatin Avenue); thence, with the centerline of Main Street (Gallatin Avenue) in a curve to its intersection with the centerline of Ordway Place, being the point of beginning.

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METROPOLITAN  
COUNCIL

OCT 10 3 44 PM '89

**ORIGINAL**  
METROPOLITAN COUNCIL  
RES. No. **089-1011**

MINUTE BOOK 1153 PAGE NO. 242

AN ORDINANCE APPROVING THE FIVE POINTS  
REDEVELOPMENT PLAN

APPROVED BY PLANNING COMMISSION

Introduced OCT 17 1989

Passed first Reading OCT 17 1989

Referred to PLANNING & ZONING COMMITTEE

~~AMENDED~~ DEFERRED TO 1/2/90 NOV 7 1989

AMENDED & Passed second Reading JAN 2 1990

Referred to \_\_\_\_\_

Passed third Reading JAN 16 1990

Approved JAN 19 1990

By Th. L. Jones  
Metropolitan Mayor

Departments Notified JAN 22 1990

Advertised DEC 18 1989

Form-01